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# The Docket, Issue 4, November 1992

# THE VILLANOVA DOCKET

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## Mulroney Takes To The Road

By weekday, he's a mild-mannered Tax Prof, but by weekend (three to four times a year) ... Professor Michael Mulroney dons his racing helmet and takes to the racetrack in his 1962 Morgan Plus 4 Super Sport. Lest the erstwhile students who haunt the halls of Garey Hall think that law professors exist solely to expound upon the virtues and intricacies of the finer points of law, Professor Mulroney stands as tangible testimony to the fact that, yes indeed, law professors can have neat-o lives, too.

The following article is reprinted from the July 1988 issue of **"The Rough Rider,"** the newsletter of the Morgan Car Club of Washington, D.C., and explains, in his own words, what brought Professor Mulroney to the hunt and still leads him to the thrill of the chase:

ONCE IS NEVER ENOUGH
Upward and Onward with the Phlexed Sphincter Racing Team
**by Michael Mulroney**

Jacob, our 125 pound bloodhound, had an impeccable pedigree, good conformation and color, and a nice placid disposition. We thought we would stand him once to an equally good bloodhound bitch and take the pick-of-the litter puppy. We talked to the breeder who sold us Jacob. She counselled us against it, explaining that if we gave Jacob the experience, his tenacous bloodhound's determination would undoubtedly lead him ever after that to try and hump fire hydrants, mailmen and Mini Coopers. "Once is never enough," she said.

My first taste of the race track in OLD MOG, my 1962 Morgan Super Sport, at an SCCA drivers' school at Summit Point left me feeling not unlike a randy bloodhound: Once was not enough. I decided to try for an SCCA vintage competition license. To do so, I went on to three more SCCA drivers' schools (I'm a slow learner, in more ways than one), competed in two regular SCCA regional races, and now have my vintage competition license. This is how it was.

The first step was to get an SCCA log book for the Morgan. The technical inspector at the Summit Point school would not issue me one because (i) he wasn't entirely sure what the requirements were for a vintage car, and (ii) in any event the roll bar didn't have an inspection hole in it to permit its wall thickness to be measured. After a fair amount of telephoning around to SCCA D.C. region and Denver officials and a little negotiation, I pretty well established what the groundrules were (watch this space), drilled the requisite 3/16" inspection hole in the roll bar, measured its inside dimension roughly with a coat hanger and a vice grip pliers, and the outside with a pipe wrench, and determined it probably met the requirements.

I then trailered the car out to the regional tech inspector's house, he measured the bar with real equipment, checked the rest of OLD MOG's safety stuff, we poured over the General Competition Rules (GCR) for half an hour, he passed the car, stamped the roll bar illegibly with its number, and I came away with the log book. A current log book, I found, means that at races the tech people don't look at the car again; they only check your driver's gear to make sure it has the right labels.

The next hurdle was that the SCCA vintage GCRs and the regular GCRs requirements for a vintage license don't match in several respects pertinent to my case. For example, the vintage GCRs require a novice permit (which, I had earned at Summit Point), participation in two drivers' schools and the successful completion of two **vintage** regional races. The problem was that SCCA had announced only three vintage races in 1988: one each in Florida, Texas and California. (What price glory?)

As a result, after some further mild negotiation with regional chief stewards, I elected to run OLD MOG in two regular SCCA regional races. I chose Watkins Glen and Lime Rock because each offered a drivers' school the day before the regional, and I figured that was a good way to learn the track. In addition, in order to hone my skills (a relative term), and because anyway the novice permit has blanks for four drivers' schools, I decided that I would

*(Continued on page 10)*

**Professor Michael Mulroney at the wheel in Mid-Ohio 1991.**

## Villanova Red Mass Held

On Friday, October 23, Villanova Law School held its 25th annual Red Mass in St. Mary's Chapel. This Votive Mass of the Holy Spirit is a special celebration offered to invoke Divine blessings upon the Law School and the legal profession. The Mass is celebrated to implore divine guidance for those who judge, legislate, serve clients, teach and study law.

The Red Mass originated in the 13th century in France and in England. The tradition began at LaSainte Chapelle in France and at Westminster Abbey in England. The English celebration, held on the Feast of St. Michael, marks the opening of the Michelmas term of royal courts. In Washington, D.C., the Mass marks the opening of the October term of the United States Supreme Court.

The Red Mass gets its name from the red vestments of its celebrants, the red and ermine robes of the Law Lords and the scarlet gowns of the faculties. Red is the liturgical color associated with the Holy Spirit.

Villanova Law School first celebrated the Red Mass on the morning of October 10, 1957. The Red Mass Choir, composed of law school students and members of the law school community (both faculty and staff), offered their musical talents to the ceremony. This year's celebration was well attended by faculty, law students and their family, alumni and staff, who mingled afterwards at the traditional Red Mass Reception hosted by the law school.

## Inside This Edition . . .



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EDITORIAL

# And So It Goes . . .

**by Angeline G. Chen**

Finals are around the corner, and one would think that every law student in their sane mind would have enough to occupy their minds without actively seeking something else to drain their energies and emotions. Nevertheless, the perversity of humankind (and, in particular, law students) has been long documented. Thus, it was not really of so great a surprise that our humble and insular community experienced a small version of William Goldings' *Lord of the Flies* — a la Garey Hall style — in an incident that took place in the cafeteria around 7:00 p.m. on an otherwise nondescript November Wednesday night.

It was supposed to be a constructive forum — an interactive mind-melding exercise in informational intercourse. Law school is filled with bright, intelligent, educated individuals, after all. We are allegedly being professionally trained to be objective, to look at a situation from all angles and to analyze problems in a rational and logical manner. Being in an academic environment, we are expected to be openminded and capable of civil disagreement. In light of this, two law school organizations — the Women's Law Caucus and the Rugby Club — decided to take advantage of the situation and follow up on the success of their joint forum held last year: "Miscommunication Between the Sexes: Why Ask Why?"

Little did we know. A friendly discussion between the genders, a lowering of the weapons of daily battle, jovial bantering between males and females, recognition of the dichotomy which still separates the men from the women in various arenas, an intelligent conversation among members of a small and tightly-knit community — what did the students, faculty, staff and administrators assembled in the cafeteria that evening really expect? (Aside from the chips and free beer. Oh, and some rumor about free pizza which served at least to get John Forkin in attendance.) Did we expect an intelligent discussion? Did we expect to see the moderators (Dean Brogan and Professor Palm) "go at it" tooth and nail? Did we expect to find some sort of understanding as to what the "Battle of the Sexes" is all about? Whatever we sought somehow got lost in the mayhem.

In hindsight, it cannot be denied that there was much said that was valuable, insightful, and thoughtful. There were many present who came not only to talk, but to listen and learn. Many individuals came to engage in what we reasonably expected to be an interesting and informative discussion of ideas and theories. So what happened?

A free-for-all. A zoo. A Circus. A mob scene. A riot. A disgrace. These are the terms various people have used to describe the forum. You might say things got out of hand. (You might say that is a massive understatement.) There was certainly a lot of shouting. There was an abundance of finger-pointing and name-calling (of both people and body parts). Tempers ran short. People left angry, upset, frustrated, hurt and disappointed.

The forum was inappropriately named. The problem inherently causing the conflict in the cafeteria on November 11 was miscommunication between *people*, not just the single facet of "Miscommunication Between the Sexes." What was made patently apparent that night was that, even with all of our education, our experience, and our intelligence, *all* of us need to be more aware of the importance of *COMMUNICATION*. Understanding of *any* different viewpoint, such as the multiple viewpoints present in the cafeteria that night, can only be achieved through communication. Not just communication between the sexes, but communication between individuals in every imaginable situation and relationship. Communication is the touchstone of our profession as lawyers, underpinning every aspect of our field, including settlement negotiation, dispute resolution, drafting, trial work and litigation. Communication enables us to function as a society and promotes progress and understanding.

An essential aspect of effective communication is respect. From respect then comes a sense of appropriateness, judgment, and common sense in relation to what one is trying to communicate to another person. Seems we could have used a good dosage of all four of these elements that night. Sadly, we were lacking in all of them. And, truth be told, each of us present at that forum is responsible for what happened. Part of our obligation as members of this community is to set forth and establish the ground rules and guidelines by which we all live and abide in our tiny little corner of the world. Part of our duty as members of this community is to accord respect to the other members of our world, and to be considerate of each other as individuals. That night there were no holds barred.

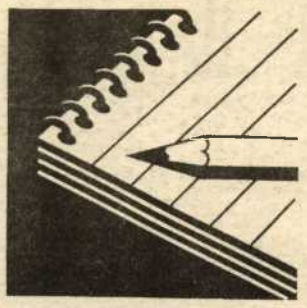
Much of the frustration and anger experienced by attendees was due to the lack of respect (or apparent lack of respect) shown by various individuals: to fellow colleagues (both student-to-student and faculty-to-faculty), to faculty (by several students), to students (by some of the faculty), and to the administration (whom many didn't even realize were in attendance). Much of the remaining hurt and anger which is still present in many individuals was a result of that same lack of respect. Respect is defined in the Random House Dictionary as: "esteem for or a sense of the worth or excellence of a person . . . proper acceptance or courtesy; acknowledgement." Disagreement with each other's views is to be expected. But hopefully, given the context of our environment, our education level, our (more often than not) privileged backgrounds and upbringing, our profession, and our supposed above-average intelligence, disagreement should merely equate to a lively and articulate debate on the issues which does not rise to the level of offensiveness or crassness.

At least one person expressed outrage that censorship of a sort was being advocated, that he was being told what he could and couldn't say. He further asserted that *no one* had the right to tell him what he could do or say, because he was protected by the First Amendment. The Ku Klux Klan was brought up as an example of how ideas and words could not be censored. That person missed the point entirely. Just because you have a constitutional *right* to say something doesn't mean that you therefore always *should* say it. Respect for the individual to whom we are directing our remarks, as well as judgment and common sense, will tell us that there are statements or words which may be inappropriate *under certain circumstances*. There are certain phrases or words which are hurtful to others. Having a constitutional right to say those phrases or words doesn't make it morally right. Not only that, but it's just *not nice*. Why offend someone when it fails to prove a point or advance an idea? Why offend someone when it doesn't accomplish anything? Why, then, would you want to say something hurtful when it only serves to alienate others, rather than persuade them to accept (or even just *think* about) what you're really trying to say?

There was yet another major problem inherent in the WLC/RC forum that was somewhat disappointing to find present in our community; narrowmindedness and a refusal of some people to accept the foibles of each of the sexes. For example, Professor Palm, at one point, mentioned that women have the capacity to be as sexist as (and sometimes even more sexist than) men. His point was met with audible hisses from (mostly female) members of the audience, along with more directed negative reactions from some people. The impetus for these reactions eludes me. Believing that women can't be sexist is as ludicrous as believing that minorities can't be racist. Sexism is "attitudes or behavior based on traditional stereotypes of sexual roles . . . [and] discrimination or devaluation based on a person's sex." Just as there are harmful stereotypes of women that males use against females, there are harmful stereotypes of men that females use against males. Let's try and get rid of the double standard, okay? There's plenty of blame to go around. The question is, now what are we going to do about it?

Truth is, we've got a long way to go in understanding each other on an individual level even within our own small community here in Garey Hall. The forum more than amply proved that. But we've still got to try — because if we can't get it right *here*, among our peers and colleagues — people we know — how on earth is the rest of the world going to get it right? Look to the rest of the title of the forum: Why Ask Why? Why? How about: So we can find some answers and maybe solve some problems.

See you next issue.



# Open Letter to The Docket: Smoke Detectors

**Dear Readers of the Docket,**

During October there were homecomings, Red Mass, graded memo assignments for us lucky first year students, Halloween and thankfully an extra hour of sleep when the time changed. October is also when, at the time change, we are asked to take a step to help ourselves by checking the batteries in our smoke alarms. If you and all the people you love checked their smoke alarms, feel free to read something else in the paper. But, if you need a reason to check the alarm or ask others to check their alarms, I invite you to continue reading.

Three years ago, my friend Scott called and asked me to be his best man and I accepted. Scott is one of my fraternity little brothers and he was marrying Tory, an old friend of mine who is also one of my wife's sorority sisters. I was very happy for both of them and proud Scott asked me to be in his wedding.

That summer Scott and Tory got married in a small, New England coastal town that was home to whaling ship captains. The night before the wedding I met Scott's family. Scott's brother had a dry sense of humor that kept everyone in stitches and his two sisters were warm, loving people. Scott's parents created an atmosphere around them that enabled people to relax and have fun. Scott's mom and my wife Kim hit it right off, finding a common bond of being Slovak. The next day at the wedding reception I toasted to Scott and Tory's future and that they may have many children for Scott's and Tory's parents to spoil.

Next spring I got another call from Scott, he wanted me to come to his parent's funeral. They had died of smoke inhalation when their home caught on fire one night. Scott told me that he had identified the bodies, had gone to the house the day after the fire, and saw the sooty outlines on the rug where his parents fell trying to escape. The fire investigation reported the fire started from dust igniting over a light fixture. He also reported that if the smoke alarm was working, Scott's parents might have woken up in time to escape.

Five hundred people were at the funeral to say goodbye and give support to the family. Scott's brother was not putting on a good front while his sisters were doing okay going through the motions. Scott appeared to me distant, politely thanking all the people who came, many he did not know or only vaguely remembered. I do not know how Scott felt that day, but I do know how I felt when I hugged him. It seemed as if for an instant Scott released part of his grief to me and the whole world turned to a place of absolute soul-crushing despair. Embarrassed by the sharing of emotion we both pulled back, Scott composing himself to continue receiving condolences. Later, I was overtaken by a sadness when I realized that Scott's parents will no longer be able to love and spoil their children and grandchildren.

I do not want anyone to die or get injured in a fire because a battery was not replaced. I do not want anyone to go through what Scott or even I went through because a smoke alarm was not working. Please check your smoke alarm and tell others to check their alarms.

**DJ Meincke**


THE VILLANOVA DOCKET

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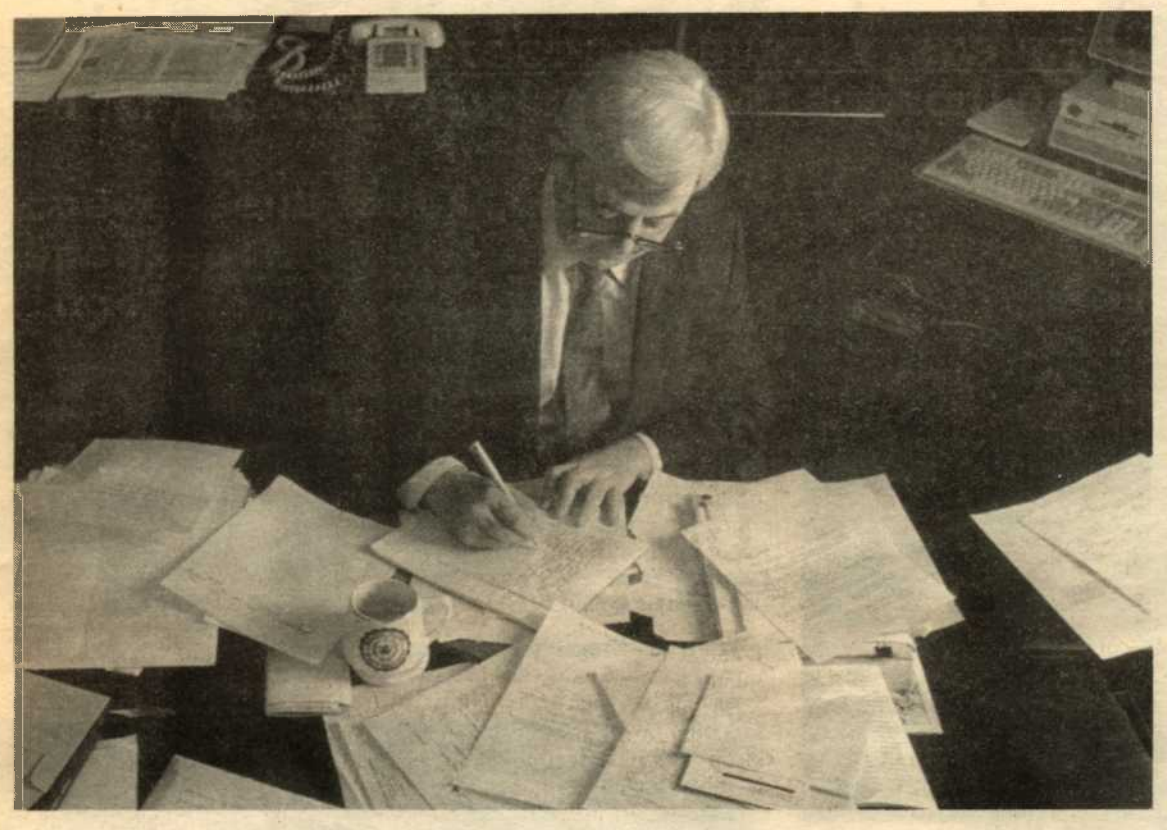
**Faculty Advisor**
Prof. John Cannon

## EDITORIAL



# From The Dean's Desk

**by Dean Frankino**

A major component of the Fall Board of Consultors meeting was a dinner with student organization officers. In order to stimulate candor, the ninety plus students dined with the Consultors and their spouses without other law school personnel being present. I requested that the Consultors brief me on issues raised and concerns expressed.

The primary matters discussed related to the physical facility. Not surprisingly, the invitees highlighted the inadequacy of the space allocated to student organizations. The problems raised by Mr. Tim Bryant in his October *Docket* article "Common Sense in Allocating Organizational Space" were discussed. Many solutions were suggested and are presently under consideration. The message which was received was that student organization space should be reallocated and reconfigured.

A second space issue concerned the availability of computer terminals in the library and in study and instructional spaces. As a part of the long-range planning process in which we will be engaged over the next two years, I have asked the Director of the Law Library, Professor William James, and Professor Henry Perritt to co-chair a task force to address our computer and other technologies requirements. The concerns expressed in relation to the number, availability and location of computers will be among the issues the task force will address. Coincidentally, the task force will also address the future needs of the library as well as the design of and technical capacities of instructional spaces.

The 1992 *U.S. News and World Report* article on law schools was discussed at many of the dinner tables. As you know, this law school did not respond to the magazine's inquiries and survey last year. We had been asked not to respond by our principal accreditor. While Villanova complied with the ABA request, other law schools did not. In March 1992, I informed the school community and the Section of Legal Education and Admissions to the Bar that we would fully answer future surveys. This past week the School of Law answered the 1993 *U.S News* questionnaire.

Continuing the subject of rankings among law schools, I provided to the Faculty and the Board of Consultors an article in the September 1992 *NAPLA Notes* (National Association of Pre Law Advisors) written by J. Joseph Burris of Boston College, entitled "The NAPLA Law School Locator." The article creates a "Locator Matrix" based on median grade point averages and median LSAT scores of enrolled students in the nation's law schools. It is intended by the author to "be used merely as an indicator of competitiveness for admission." The article then lists alphabetically the schools in each cell and designates the cells by descending alphabet from "A" to "P" — "A" being the highest. Villanova was in cell "E" in 1991 and is in cell "C" in 1992. There are 11 law schools in cell "A" this year, 9 in cell "B" and 21 in cell "C". Altogether there are 41 out of the 172 law schools approved by the ABA in the same cell on the grid as Villanova or better. In the previous year, there were 60 schools in the same cell or above. Hopefully this increase in the School's relative position based on median scores will be accurately reported in this year's *U.S. News* survey.

Another area of student interest was the School's budget, specifically information concerning the source of funds for major improvements to the physical plant such as the courtyard, etc. The basic budget philosophy of the School is that tuition income is dedicated to annual current operating costs. Tuition income and fees are projected at $10,202,580 for fiscal 1992-1993. Expenses projected for the same period are $4,032,731 for professional salaries; $1,884,968, supporting personnel; $1,914,596 for operating expenses including services and acquisitions for the law library; $365,000 in financial aid expenses; $1,174,000 for employee benefits and $831,285 indirect expenses (heat, light, building and grounds maintenance, pro rata costs of University services, etc.). The tuition rate is based on these annualized direct and indirect expenditures. Capital improvements and major capital equipment purchases are not a part of the general current funds budget and are not tuition supported. Plant and environmental improvements are purchased from unrestricted gift income — primarily the annual giving fund. The budget philosophy is that currently enrolled students are charged for the actual cost of their education and capital and long-range costs are supported from other income sources.

The Consultors were very impressed with the students with whom they met. In the process of eliciting information which could be useful in making the School better, they testified to a generally satisfied student group — particularly satisfied with the educational programs. For that we are grateful. The information shared with the Board will be useful to all of us as we plan for the School's immediate and long-range future.

One matter which was not discussed with the Consultors but which has been brought to me by the Student Bar Association is a proposal to further limit smoking areas within the School's building. On November 1 I received a **Memorandum** from the SBA recommending that "smoking be banned in the Lounge and that it be further restricted in the Cafeteria to the Southeast corner near the windows." As a former heavy smoker, I can appreciate the collision of interests which smoking within enclosed spaces creates. The restriction of smoking to an area of the student lounge and an area of the cafeteria was an attempt to accommodate those interests. Unfortunately, it is impossible to eliminate the pervasive presence of smoke in the atmosphere of any room no matter how large or how well ventilated. In seeking to provide an appropriate balance we will consider other alternatives as well as the SBA's recommendation. I would welcome the opinions and judgments of all of the users of the law school building. I will formally seek the advice of the Faculty at our November 10 meeting.

# Selective Justice?

Recently, it has come to the attention of a small group of students that someone with access to a Professor's office took a list of class rankings. It is alleged that this information was used by certain members of the law review to belittle another member.

There are various stories circulating and several different names have been mentioned. If these allegations are true, there has been a serious violation of the privacy of the students of this school, along with a gross deviation from the standards of decency, honesty, and integrity that this school purports to uphold.

The Honor Board reviewed the case and passed it on to the administration. The administration interviewed several people in connection with the incident and nothing further came of it. There is no hard core evidence that this event in fact occurred; however, in light of the seriousness of the allegations, this deserves more than cursory treatment.

These allegations involve a professor's office being violated, violation of the privacy of an entire class, and the harassment of a fellow student through the means of illegally obtained information. There's more at issue here than some students knowing the class rank of other students. There are issues of privacy, abuse of trust, dishonesty, and unethical behavior that should not be tolerated by this institution.

A law degree enables one to have tremendous influence over the lives of others and a law school should foster ethical use of that influence. What happens here reflects negatively on all of us, and we owe it to ourselves to hold each other to a higher standard.

# Women's Law Caucus Responds

The Women's Law Caucus wishes to respond to the disturbing results of the miscommunication program we co-sponsored with the Rugby team. We feel that the results of the forum are a perfect illustration of the animosity which we had hoped we could discuss constructively in a rational, mature way. Unfortunately, we completely underestimated the response we would receive.

We were shocked at the lack of respect many people showed for other people's feelings. Many in attendance refused to listen to others' opinions, and rather emphasized that we as a society should accept things the way they are because of some misguided notion of "tradition." Just because many people, men and women alike, may build barriers to communication between the sexes does not make their actions productive or right. Some attendees indicated that, since people get hurt all the time, we should learn to accept it and develop a thicker skin. Fortunately, we at the Women's Law Caucus believe that people in this society should learn how to respect one another to reduce incidents of hurtfulness which were dismissed by many people at the symposium as a mere fact of life.

As a sign of respect for oneself and others, people should learn to think about what they say before they say it. If they feel the need to illustrate a harsh reality by using strong language, they should stop to apologize if they see they have obviously offended a number of people in their presence. We firmly believe that we as lawyers should be held to a high standard of conduct, and because as a profession we are considered to be generally skilled at being eloquent and persuasive, we should be able to make a point without using repetitive profanity and vulgarity.

One woman made the point that the attendees were bickering over line drawing as to what is offensive. Her response indicates that we as adults should not waste our time arguing over non-issues. The purpose of the forum was to explore the reasons behind women's and men's inabilities and misunderstandings in communication with one another at many times. Unfortunately, many in attendance chose to ignore the fact that we were dealing with a serious subject and came instead with the idea that the forum was a joke. This serves to illustrate the reality that women's issues are not taken very seriously by a number of people in our midst.

Finally, many there justified their speech by cloaking themselves in the First Amendment. The theme seemed to be that "I can say what I want because it is my right." We do not question your right to say it, but as mature adults, we should exercise good judgment before we speak to a roomful of people, many of whom are strangers to us. The fact is that words hurt terribly even if they are not followed by actions. In order to foster communication amongst ourselves in society, we must refrain from hurting others or we will never make any progress.

To those who rely so heavily on the First Amendment, we'd like to point out that there is also an amendment which prohibits discrimination based on race, religion and sex. While many of you would never be caught using a religious slur or racial epithet in public, you had no problem demeaning men and women by describing them as body parts. Please consider this the next time you decide to exercise your First Amendment rights in public.

**by Susan A. Hoffman, Marcia Johnson-Blanco, Melissa H. Raksa**

# Rugby Club

The Rugby Club would like to thank all who attended the "miscommunication" discussion, jointly sponsored by the Women's Law Caucus. We would especially like to thank those who kept their heads and treated their fellow participants with appropriate respect. Although no views were expressed on behalf of either sponsoring organization, we on the Rugby Team take our share of responsibility for providing the forum for others to do so and for exposing such violent differences of thought. The chasm was a disturbing discovery. Some may blame individuals. Some may blame the open format. We, however, are more interested in what can be learned from this controversy. We hope that the obvious undercurrent of hostility, now exposed, is examined and addressed in the future. We urge our professors and fellow students to continue this invaluable dialogue which started on such an unnerving note. Like all passionately engaged members of this community, we on the Rugby Team trust that some good will come out of this.

**Tom Downey, President**
**Villanova Law School**
**Rugby Club**

# OMISSION

Last month's issue contained the Report of the American Bar Association Standing Committee on World Order Under Law, as well as the Standing Committee on Law and National Security Report to the House of Delegates. The fact that Professor John Murphy was the drafter for both of these reports was inadvertently omitted. Professor Murphy is a member of both Committees, and teaches several International Law courses here at Villanova Law School.

# EDITORIAL

## Responses to "Miscommunication Between the Sexes"

**By T. John Forkin**

November 11, 1992 — 3:20 p.m., I decided to take a study break and check out the Women's Law Caucus/Rugby Symposium. To be honest, I didn't know what to expect, I was actually hungry and I heard that there was free pizza.

I was shocked and amazed at some of the attitudes displayed. Did somebody put something in my soda or was I trapped in some sort of time warp? Discussion began with individuals noting what they believed was offensive. This quickly digressed into a heated name-calling battle of the sexes with use of continuous offensive commentary by some participants (you know who you are).

I submit to you that such banter has **no** place in the Villanova Law School Community! The Women's Law Caucus and Rugby Club started this symposium last year following the Anita Hill/Clarence Thomas Hearings. This symposium was intended to raise the discourse for potential solutions for sexual harassment in the workplace, not to raise the testosterone level of certain over-excitable law students. Indeed, what people do in their private lives is their own business. However, we must begin to establish our level of professionalism here in this institution.

Dean Garbarino addressed the key issue directly, the use of good judgment. He noted that bad judgment must be learned from and not repeated. Using offensive commentary is indeed bad judgment, to continue such commentary is reprehensible. We all use bad judgment at one time or another, God knows I have. However, we account for such judgment, learn from our mistakes and move on.

One student mentioned the Ruby Team's version of the "Candy Man" and its offensive nature. Normally such shenanigans are conducted outside the scope of the Law School Community. However, this time they were not. Indeed, they used poor judgment, of which they have accepted accountability. Speaking as a friend of a number of the Ruggers, they should not be stereotyped as cocky or crass. They are all solid students and have contributed much to the Law School Community, not only as an organization but as Alumni. They have learned from a mistake as we all do.

Concerning what is appropriate within the Law School Community is essentially up to you, the student body. Our future as a top institution is in our own hands.

There are two very distinct areas of law school life, just as in real life, i.e., social place and work place. I submit to you that, although there is a social aspect to law school, it is a work place and a certain amount of professionalism and ethical conduct should prevail. I am not casting any stones because my humor has often offended others, but a conscious effort is made on my part to put a stop to it.

The bottom line is that sexism is as equally as damning as racism. Both have severely stunted the growth of American Society as a whole and shall do the same in the Villanova Law School Community if we do not address it as an issue and seek a comprehensive plan for a remedy.

I submit to you that the only way to effect change is to come together as a community — the Villanova Law School Community — and effectuate change by example. This change must be based on leadership in the area of equal rights with the objective of eliminating gender, racial and religious bias if not in the minds of our fellows at least in the law school community. I firmly believe that I speak for the majority of the student body, in that **any** form of bias has no place here. We must pull together and raise our consciousness to another level. By the way what ever happened to that pizza?

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The "Miscommunications Between The Sexes" Symposium actually turned out to be a miscommunication between civilized persons and the fools of the law school community who confuse freedom of speech with their ability to be only obnoxious and ignorant. While my view of the First Amendment does not need to be shared by anyone else, anyone else would be hardpressed to characterize the profane, discommunicative, unintelligible and unpersuasive language used repeatedly and loudly at the symposium by the fools as anything else but stupid. I fail to understand how anyone who is a law student, blessed with several years of higher education, and attending what was to be a friendly exchange of ideas over a few beers in the cafeteria, could lunge out at the crowd with such crude language. The fool was not provoked by anyone or anything said. So it is a mystery to me why the fool chose to lower the event. Unfortunately, the fool achieved in gaining the attention of everyone. After the fool had spoken most everyone else fell to the same level as the fool. Ultimately, my reaction to the symposium is a mix of embarrassment, frustration, and shock. What an ugly fool that fool had been.

**Peter F. Harter, 3L**

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What went wrong? Everyone who was at the Women's Law Caucus/Rugby Club function "Why ask Why?" seems to be asking the question. Well, it depends. (Is this law school?) What were our expectations? Why did we come?

Although some very good thoughts were thrown out at the beginning, they were not developed or discussed; they were just ignored and passed by. And this, I'm afraid, just led to more of the same.

Some of the ideas which I felt might have taken the group forward in discussion and understanding were just ignored or summarily dismissed:

1. Professor Brogan's insight in re: the structure of the business world having been "built" before women came into the professional world in any great numbers and now needing to be adapted had a lot of discussion possibility. Why didn't anyone pick up on it?
2. Professor Palm's position that both sides of the "traditional" family had benefits and drawbacks. The business world has some great challenges which attract; but it also has incredible stresses. In addition, when there is only one wage earner, there is tremendous stress on that person; and in the situation Professor Palm was discussing, the man going out to work did indeed have great pressures to face. And, though the wife at home also had stresses (I've been there and know from experience), there were also benefits as alluded to by Professor Palm.

I do not believe he was trying to put down the homemaker nor extend the hypo beyond the given facts (e.g., he obviously wasn't including women in sweatshops in the same time period). I was disturbed at the total lack of respect and consideration given his ideas.

3. Professor Lanctot's "statement" was also a clear one meriting respect and possible clarification. It came from another highly professional person in our community and deserved better than it received.
4. Lastly, my own idea about the need for respect to undergird relationships regardless of gender or power was briefly acknowledged but was not followed up in any meaningful manner.

If the group came to explore ideas and learn, then the response (or lack thereof) to these and other worthwhile ideas was counter to the purpose for which we allegedly came.

Suggestions for future discussions — if we feel up to it:

1. Solicit questions or discussion issues ahead of time so that there is some thought in framing and considering the issues prior to the meeting. This would also mean that someone had a particular concern in the topic and presumably have an interest in developing it from a personal point of view.
2. Agree upon some ground rules for the session. One such might be:
   Give each idea at least two or three "good faith" attempts at clarification and development by the group before being abandoned.

**Susan R. Smith — 2L**

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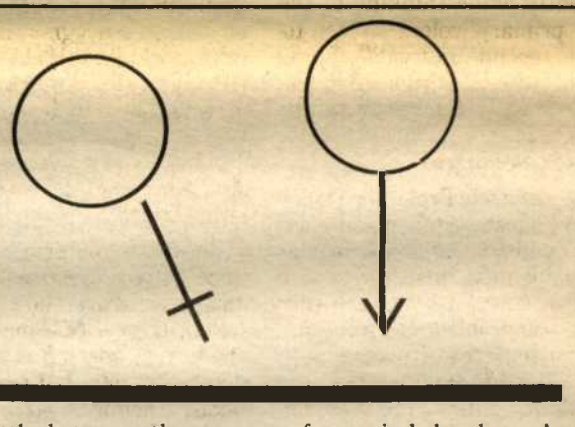

The battle between the sexes plummeted to unprecedented depths during last week's "Why Ask Why" Symposium sponsored by the Women's Law Caucus and the VLS Rugby Team. The "symposium" which was advertised as a constructive debate concerning the obstacles that plague intersex relationships was, in reality, a fingerpointing session. Rather than engage in relevant and meaningful discourse, several of our more "frustrated" law students, instructors, and professors yielded to the apparently overwhelming urge to cast aspersions and blame upon their male counterparts. The result was two hours of juvenile and unproductive bickering.

The source of contention focused largely upon "lunchtable talk," wherein the thoughts and discussions of young (and not so young) men turn toward the female anatomy. Several of the women in the audience, presumably repulsed that a male would think of and comment upon such things, proceeded to display an amazing level of naivete by recommending censorship of such discussion. They reasoned that only then will women be given equal access to the male-dominated job market, as a male who entertains such thoughts is not capable of viewing a woman as an equal. Political correctness has soared to new heights. The war for control of our minds has begun!

In an effort to achieve parity in the work place, feminists would attempt to nullify billions of years of evolution, repressing the sexual impulses of the males of our species. This is the same "feminazi" movement which casts a disdainful eye upon the role of motherhood and describes pregnant women as "parasitically oppressed." Women like our First Lady-elect scoff at and ridicule their sisters who choose to stay at home and nurture their families. In the pursuit of materialism and power, these misguided people, who value their livelihood over the right to life and a raise over rearing their children, would now serve as thought police.

Fortunately, during the "symposium" and in the days that ensued, many of our colleagues (of both sexes) have rejected such folly. Unfortunately, however, many of these same people hesitate to express such an opinion. Indeed, while discussing the theme of this article with some friends, I was urged to water down my rebuke of the leftist-feminist attempt to regulate our thoughts. The reasoning behind such advice centered not on the substance of my views, but rather on the possibility that I would be branded a sexist by the far-left. As a great American recently stated, I wear their scorn as a badge of honor.

**Valentino DiGiorgio III — 2L**

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## SURVEY RESULTS

# Why Ask Why?

The date was Wednesday, November 11, 1991; Veteran's Day. I left the multi-purpose cafetorium with a real bad taste in my mouth. It was after a discussion on/display of miscommunication between the sexes. Both of them. I can only suspect that some of the faithful came to watch the display; thought it would be fun, or funny. I rest somewhat easier knowing that even they left with the none-too-appropriate feverish headache.

Now I'm hunched over my portable, hunting and pecking for a little satisfaction; for some indication that my time and my second-favorite outfit was not for naught. If these efforts fail I'm back to hugging myself and rocking gently while thinking of the three primary colors at ten-to-twelve second intervals. If you attended the ... thing, and you need help with technique don't be afraid to ask. And the colors are blue, yellow and red.

First, an issue Professor Packel raised in last year's discussion: the individuals involved, insofar a they identify themselves with a victim class, are a significant part of the problem. My interpretation: defensive attitudes come to dominate the individuals' and the groups' thoughts; so much so that not only are reactions colored by the attitude, but all behavior is also affected. Illustration: Be honest with yourself, did you only think of females when I said victim class? Come to think of it, that doesn't prove too much but it's an interesting point of departure for further dialogue. Furthermore, I sympathize with the widely held position "just because you're paranoid, doesn't mean that nobody's after you." My point, however, is that an attitude change, or more importantly, a *habit change*, seems necessary on both sides.

Second, *The Ross Perot Proposal.* We've talked about it. Fine. Now let's do something about it. We had two groups down there: folks talkin' about how it is and folks talkin' about how it ought to be. Now, good. If you think you want a change then begin with the individual: find your own "ought" and set the plan into motion. Now, I'm an old dog, but not too old and I can learn a new trick — Do you see that now? Okay, now, do you want to fix the problem or don't you because if you don't, if you want more feverish headaches like Tom Burns had, well then fine, I'm not your man. I like veterans.

Ross's proposal works because habit serves two functions. First, it changes the behavior in the here-and-now. Second, given the nature of the always-rationalizing, justifying human head, the attitude will follow like cattle follow hineys. (That's right, 20 years of education).

Okay, so why change the habits? Anecdotally speaking, you change the habits because the perception *is* the reality. Less anecdotally: there can be no doubt in anyone's mind that the feelings, fears and frustrations (henceforth and forthwith to be known as *Burn's Three F's*) expressed at the discussion were genuine and honest. Yes, they were subjective, directly or indirectly the result of nature, nurture, pride, the public forum, the keg. More importantly, we were exposed to perhaps the best we could have hoped for: a look inside OPH (Other People's Heads). I can candidly say I don't even think it came down to men's or women's noggins. If you came in to stockpile valuable ammo, for the damn-hard-work battle of getting along in a world/society whose only reliable and efficient yield is *Burns' Three F's*, you got it. Go use it, it'll grow geometrically.

So, if we appreciate the difference between the sexes (and I'll take a controversial stance here: let's!), then a real meaty part of the beauty we find is the part we don't understand. I'm not talking about chemical attraction (and I'm not entirely sure this is limited to relations between the sexes). The point: if we admit that understanding each other transcends us, is beyond our realistic reach (References: *The Search for Trustworthy Auto-Mechanics and Helpful, Friendly Bank Tellers*, and *The Joy of Living With Downey*), then it seems we have a duty to make concessions for our pals-in-pants-of-a-different-cut-and-style. However, if you exercise your conscience by staking a claim that your (for J. Wood and other philosophers) Nietzschean Will is stronger than the next person's; that your "security" is your salvation, Ross and the rest of the kids will work around you. We'll see you when it comes around. Talk about anecdotal.

**Take it easy,**
**Tom Burns, 2L**

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I regret that my remarks were misunderstood by a certain number of people. I meant to provide an example of a term that is generally offensive to women, and yet not generally offensive to men. In the process of providing the example, I managed to provide the offense, and I am sorry for that.

I am not an advocate of demeaning language, and that was not the point. I sought to highlight the difference between men and women with respect to sensitivity over language generally used by men in describing women. I felt that this difference often results in misunderstandings.

**John Deneen — 2L**

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People tend to genuinely believe the views they express. It's naive to think that degrading and offensive remarks, behavior and attitudes toward women in social or informal settings do not translate into discriminatory practices in the workplace. Men who make offensive remarks or in general show a lack of respect for women here in the fairly informal setting of law school may someday be in positions of power in the legal community, making policy and hiring decisions. Are we supposed to believe they will suddenly switch from an "internal law school" mode to a "professional" mode when they enter the workforce and begin to treat women equally and with respect? It doesn't seem logical.

**Sarah Brenner**

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I believe that no one wakes up and thinks, "Today I'm going to degrade someone," or "Why don't I offend someone, it is the right thing to do." So okay, **maybe** Howard Stern does but, generally people do not set out to be degrading or offensive. I also believe that all people try to do the best they can at what they are doing. People might wish, in hindsight, they did something differently but people do the best they can. This is all part of being human.

So, if we do the best we can and do not purposely try to offend someone, why were people upset by comments made at the "miscommunication" meeting? I believe it is for the same reason the comments were made. People generally do not make allowances for what they do not understand. The person making the comment does not allow for it to be offensive because one does not understand it can be offensive. Likewise, an offended person does not understand that the comment maker did not understand how the comment was offensive. This analysis applies to people's comments and actions outside the meeting also.

People made and others were upset by comments at the "miscommunication" meeting because of a mutual lack of understanding. Since we are human and want to do the best we can, how do we address the lack of understanding? More communication from both sides. As we saw at the meeting, people do not always immediately understand each other and the process is hard on both sides. Unfortunately, the other option is not to communicate, resulting in the maintenance of status quo. And I did not see too many people happy with the status quo.

**DJ Meincke**
**1L**

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**Dear Mom and Dad,**

Greetings from Villanova Law School — here's what has been happening lately. Well, I learned some new songs a few Saturdays ago. I was in the library and a group of people, men and women, had gathered in the Courtyard with a keg of beer. The mood was festive and I tried to finish up my dreary research so I could join them all outside. A few of the guys started singing and I couldn't help but listen. The first verses reminded me of college football, tailgating, hangin' out with the guys in the dormitory, and of glory days past. Everyone outside cheered the singers along, and the women were all smiles when I looked out the window. I sat back down at Westlaw and tried to finish up.

And then the songs changed. People in the library put down their books, picked up their heads, and listened. The voices were loud and the song messages disturbed many who heard them.

The songs focuses on a plethora of current topics of interest in our society today, including forced sex, violence, and the sexual degradation of women. One verse in particular sang of sticking a coat hanger into a woman's body. A few women outside sang along.

Some of us in the library sat quietly in disbelief, while others became enraged and got up to look out the windows to see who exactly was singing. I didn't want to get up and look again, because I recognized some of the voices, and some of them were my friends. But I looked anyway.

Outside, the singers sang on and the women who were present remained. Most people were still smiling. A few however, had a strange expression on their faces, which was hauntingly reminiscent for me of expressions I had seen before. It was an expression of uncomfortableness. In my mind, I recalled a moment years ago, when a female college friend had told me that she had been date raped the night before. And now I was looking at that same fearful expression on faces outside in the Courtyard, and my gut cringed.

One woman outside clutched her jacket against her chest, as if she had suddenly grown cold, even though the air was warm. One male looked furtively about, as if hesitantly searching for affirmative reinforcement that it was still allright to be singing the songs, possibly wondering if some invisible line of social graces had been crossed. The majority, however, kept singing and smiling, toasting subjects which have been sung before, but which many people may find terribly disturbing.

A few days later the singing was debated, quite heatedly, at a Miscommunication of the Sexes Forum sponsored by the Women's Law Caucus and the Rugby Club. Some students, mostly women, argued that the speech was offensive and inappropriate for the Villanova Law School Courtyard. Others argued that the freedom of speech protects the right of every person to think, speak, and sing their opinions without persecution for their beliefs, whether or not some people take offense to the words. Unfortunately, the Forum became a debate, rather than a discussion, with most participants becoming polarized between two opposite sides.

The reality of controversial topics in our society is that positions often become competing "sides," each side entrenching itself behind defensive walls and stereotypes, while at the same time striking out at the troublesome other. Nevertheless, as such, both "sides" merit respect as representing sincere beliefs and convictions. Neither position is necessarily wrong, and neither position is necessarily right.

Pointing fingers at a certain law school club, in this case the Rugby Club, of which numerous of the singers happened to be members, does not accomplish anything. An entire organization can not and should not be held responsible for words which its individual members speak. Opinions are by their nature a personal thing. Equally ineffectual is to ostracize those men and women who spoke out against the songs as being offensive to them. Their voices and opinions are just as vital as the singers' songs to understanding one another's feelings. The answer is not to silence those who have begun to speak or sing their thoughts, but to encourage more people to begin talking, revealing their opinions and feelings to each other. Maybe then we will not be so quick to unknowingly hurt or offend each other with our words.

**See you at Thanksgiving,**
**signed,**
**A Reasonable Person**
**(who happens to be male)**

## EDITORIAL

# Responses Continued

As a spectator at the "Why Ask Why" discussion November 11, 1992, I'd still like to know "why." I'd like to know why some educated individuals (well, maybe one second year guy in particular) choose such times to make spectacles of themselves. The event was arranged to give interested and sincere persons the opportunity to break down the miscommunication between the sexes, NOT provide an occasion for person(s) to show how vulgar they could be. I was horrified by the "lack of judgment" exercised (as the dialogue was characterized by Dean Garbarino). I do not want to single out a certain insolent individual but, I would like to underscore the disrespect and inappropriateness of SOME language used during the discussion. Yes, I was offended. Yes, I was surprised. But, I will continue to be optimistic and hope that the individual's viewpoint was more like the exception than the rule around VLS. Unfortunately, the purpose of "Why Ask Why" was frustrated and we were never able to get to it. However, I did confirm my strong belief that "one should THINK before he/she acts."

**Michelle M. Delgado**
**3L**

I was frustrated when I left the "Why Ask Why" symposium because the goals of the gathering — to come to a consensus on how different people desire to live and work together as a community — were completely abandoned. I saw this as a cop-out from addressing very difficult questions such as, what offensive language is, whether language changes its nature given its context, and whether, in the interests of a community, people should always refrain from certain language and actions, or just in front of certain people.

**Sharmon Priaux — 2L**

## Overheard

**"Where should I stick it?"**
**— Library**

**"200 students graduate from VULS every year. What makes you so special that you think you won't??"**
**— Hallway**

**"I can't find the button."**
**— Library**

# Law School in the First Year

**by Sal Pastino**

It is already the end of November and we are more than halfway through the fall semester. For several first-years it seems like only yesterday that we lined up to find out what books we needed for what class. For several of us it was the first time we used microphones to speak in class and found out if we really sounded that lousy. The recent Legal Research exam gave us a preview of what other exams could be like — and what could go wrong. Some second and third year students seem stunned that we were so concerned about that exam. Maybe this environment is forcing us to be concerned about the future. Outlines, study groups and how to bring people together to use the two are now the main concern. What is the question on all our minds? Does making it this far mean we can make it through all the way?

As first years we are learning a great deal at the Villanova School of Law. First, a powerful, lively sense of humor helps, particularly when it's the brand used by a certain law professor whom students still respectfully refer to as "Dean," who wears a key and chain across the vest of his numerous suits and who uses key phrases such as "you stink to me" to get important aspects of Tort Law across (Will the readers know enough extrinsic facts to understand who I'm writing about?). Second, a large amount of Tylenol is useful for overcoming the headaches that result when someone doesn't put that case reporter you need back on the shelf. A large amount of Benadryl is useful to overcome the various allergies that result when we go into the dusty bowels of the law library in search of that important book we need for that memorandum. Third, if you happen to use the computer room in the lower section of the library always bring a thermometer and several changes of clothing to be able to adjust to the ever changing climate down there.

There is of course the most important and sometimes frightening aspect of law school: The Socratic Method. In its pure form the method leaves students paralyzed with fear. All professors have their own variationof the method. Some go alphabetically so that only one student at a time is left with the impending sense that they are about to make fools of themselves before their entire class. Others pick randomly, leaving entire rooms full of students holding their breath with dreaded anticipation. Other times we get a choice. "Does anyone want to tackle this case?," asks the professor. There is a deafening silence. Then the professor points a finger and calls out a name, leaving that student feeling as trapped as a deer in the headlights of an automobile.

The next challenge for a first year student comes in writing memorandums for the Legal Writing classes. The task goes beyond the assignment, research and inevitable numerous revisions. Sometimes the most challenging aspect can be getting the memorandum to print out on the laser printer. The laser printer is actually a great source of tension, pain and despair for law students in general. Sometimes there are three printers, then two, then one and then all three mysteriously reappear. The fastest way to get a printer to jam seems to be by stating aloud that you only have one page to print. The day that the assignment is due always seems to be the day that the printer runs out of toner.

These are just a few of the things with which we first years are learning to cope. As time goes on new problems and crises come about and we have to learn how to cope with those. Exams are close at hand and study groups are incredibly important. Suddenly there doesn't ever seem to be enough time to get together with a study group. The key is not to become overwhelmed. If we do things right we won't be overwhelmed by the law school experience and we should be ready for the real world — we hope.

COMMENTARY

# Dear Conservative Guy

by Tom Dougherty

**Dear Conservative Guy,**

**Well?**

America has made its choice. I have never felt so completely devastated and depressed in my entire life. The misery and fear I feel is not based on the policies or positions of President-elect Clinton. America will survive. Somehow. My sadness stems from the knowledge that I am an antique at the age of 24.

I was raised to believe that character matters. My parents have been married for nearly 40 years. They taught me some things that Clinton never learned: You don't cheat on your spouse. You try to be an honorable person. You don't lie in order to win. You don't burn the flag. You serve your country in times of war. In short, you don't act like our new President.

I am bitter because I take this election personally. The first thing I did on my 18th birthday was to register for the draft. I tried to enroll in both Navy and Army ROTC. Unfortunately, the military has no use for diabetics. I tried to serve my country and was rejected. Clinton dodges the draft and he's elected President. Sometimes the bad guys win.

**Dear Conservative Guy,**

**What do you think of the Year of the Woman?**

First of all, let's get something straight. This was not the Year of the Woman. It was the Year of the Liberal Democrat Woman. In 1990, more women ran for Congress than had ever run before. However, most of those women were Republicans. You did not know that? Can you say media bias?

I suppose it is good that there are more women in Congress. Personally, I don't care if all of the members of Congress are women, as long as they are the best candidates. Of course, best means Republican to me. The women who do not deserve to be in Congress are those who act like they deserve to win simply because they are women. California has elected two women Senators. While I disagree with them on almost every issue, I respect them for having served in government. Pennsylvania's Waffle Queen was defeated largely because she had no government experience and only one issue. Perhaps somebody should have told Lynn Yeakel that Anita Hill is only registered to vote in Oklahoma.

**Note:** Remember how everybody praised Anita Hill for bravely coming forward at the Clarence Thomas hearings? Remember how everybody said that she had nothing to gain from testifying? Anita Hill is currently receiving $10,000 per lecture.

**Dear Conservative Guy,**

**Clinton is pro-choice. Are your ready to concede that abortion was a factor in this election?**

No. This issue is no closer to being resolved than ever before. The only issue in this campaign was the economy. America made the wrong choice. The fanatics on both sides of the abortion issue canceled each other out.

Of course, the abortion rights crowd is ecstatic. They just can't wait for Mario "I am personally opposed to abortion but I want to make sure everybody has a few of them" Cuomo to make it to the Supreme Court. Well, Conservative "I am personally opposed to cannibalism but let's cook a few children" Guy is very disappointed. I wanted Republicans to continue being elected because I want to see how long Justice Harry Blackmun can live. Just imagine the headlines from the November 5, 2036 New York Times:

**"President Dougherty Re-elected In Landslide"**

**"128 Year-old Justice Blackmun says, 'Damn!' "**

**Dear Conservative Guy,**

**What are you going to do now that conservatism is dead?**

Conservatism is not dead. It's resting. I have the luxury of being able to sit back and watch the country go to hell for four years. Remember — nothing that happens is my fault. As unemployment soars and interests rates zoom, I can sit quietly in my padded cell as I count the days until the 1996 election. When Mexican troops pour over the border and seize California, Nevada, and Arizona I can laugh as I watch hundreds of thousands of troops throw down their weapons and tell President Clinton to fight the war himself. Of course, I could do everything in my power to make the American economy fail and take pleasure in the misery of millions of Americans so the incumbent President would be thrown out, but that would make me a Democrat.

**Dear Conservative Guy,**

**Did you write 1-900-Jackass?**

I did not write it. I laughed a lot but I did not write it. It is important to understand that I'm a kinder, gentler kind of conservative. Bob Turchi is not. I would never stoop so low as to attack Bob in print when I could do it in person. Of course, Bob operates under the delusion that Conservative Guy and Liberal Gal fear him. He also thinks my littler brother comes up with my ideas. I do not have a little brother. This is typical of the desperate, fear-filled lying typical of a man who knows there can only be one true Conservative Guy. Having said that, I wonder who sent me the black rose.

**Dear Conservative Guy,**

**Your candidate lost. You're party is in disarray. Mario Cuomo is being fitted for his robes. What are you going to do now?**

I wonder if SMH has a bar review course in Australia?

**Next Issue:** Fifty Reasons Clinton will be a Terrible ... oh, to hell with it.

VERSUS

# Dear Liberal Gal

by Angie Chen

**Dear Liberal Gal,**

**Now that the election's over and Clinton's the President-Elect, will you stop taking cheap potshots at the Conservative Guy and the TurchMeister?**

Of course not. I fully acknowledge and accept my duty and obligation to bust on both of those conservative yahoos as much and as often as is possible (which is to say in each issue of *The Villanova Docket* that comes out, as well as whenever I can catch either or both of them in the Student Lounge).

Besides, don't let them fool you. They love the attention.

**Dear Liberal Gal,**

**What do you think of the Women's Law Caucus/Rugby Club forum: "Miscommunication Between the Sexes: Why Ask Why?"**

I think it was a blast. Had I only known how much fun it would be, I would've brought an Uzi. Had I known how much blackmail material would be there, I would've brought a tape recorder and a small TV camcorder crew.

But seriously folks, one good thing that will come out of the WLC/RC Symposium is sort of the "positive backlash" effect that came after the Anita Hill/Clarence Thomas Hearings. Namely, a heightened societal awareness of a problem that is obviously a little more serious than we thought it was.

Of course, the word "serious" is part of the problem. People don't have a sense of humor around here anymore. Let's face it, there's always going to be a dichotomy between Men and Women. It's always, on some level, going to be Us v. Them. One of the necessities in solving any problem is trying to maintain a sense of humor about the inanity of the human race and life in general.

On the same note, women obviously should be more gracious and sympathetic to the guys — since we are the superior sex, after all. Women who strive for equality with men have no ambition. I mean, why rub it in, right?

(For those with rising hackles, please read the following editorial note: *This is a joke. This is only a joke. This article is conducting a text of the Emergency Offensive Joke Detecting System. The writers in your area, in voluntary cooperation with federal, state and local authorities, have developed this system to keep you informed in the event of an offensive joke. If this had been an actual offensive joke, you would have been instructed what page to turn to to receive further instructions. This article serves the Villanova Community Reading Area. This concludes this test of the Emergency Offensive Joke Detecting System.)*

Again on the same note, I hereby reprint a list of courses to be offered to men, courtesy of females everywhere:

1. Combating Stupidity
2. You Too Can Do Housework
3. PMS — Learning When To Keep Your Mouth Shut
4. How To Fill An Ice Tray
5. We Do Not Want Sleazy Underthings For Christmas — Give Us $$$
6. Understanding The Female Responses To You Coming In Drunk At 4:00 In The Morning
7. Wonderful Laundry Techniques (Formerly Called "Don't Wash My Silks")
8. Parenting — No, It Doesn't End With Conception
9. Get A Life — Learn To Cook
10. How Not To Act Like A Jerk When You Are Obviously Wrong
11. Spelling — Even You Can Get It Right
12. Understanding Your Financial Incompetence
13. You — The Weaker Sex
14. Reasons To Give Flowers
15. Why It Is Unacceptable To Relieve Yourself Anywhere But The Bathroom
16. How To Stay Awake After Sex
17. Garbage — Getting It To The Curb
18. Sex 101 — You Can Fall Asleep Without It If You Really Try
19. The Weekend And Sports Are NOT Synonymous
20. How To Put The Toilet Seat Down
21. How To Go Shopping With Your Mate And Not Get Lost
22. The Remote Control — Overcome Your Dependency
23. Helpful Postural Hints For Couch Potatos
24. How Not To Act Younger Than Your Children
25. You Too Can Be A Designated Driver
26. Honest, You Don't Look Like Mel Gibson — Especially When Naked
27. Changing Your Underwear — It Really Works
28. The Attainable Goal — Omitting @&#$& From Your Vocabulary
29. Fluffing The Blankets After Flatulence Is NOT Necessary
30. Real Men Ask Directions

Registration to commence immediately, as courses are in great demand. (See editorial note above. Thanks to the guys at Dunkin' *Donuts for the material.)*

**Dear Liberal Gal,**

**Who do you think Bill Clinton should appoint to the United States Supreme Court if he gets the chance?**

I think the choice should be obvious to all of us. The next Supreme Court Justice should be a person of an obviously higher intellect, untainted ideals, a healthy respect for values and principles, and yet someone who is not afraid to buck authority and hold onto individualistic ideas; Calvin of *Calvin and Hobbes'* fame. Sure, they may have to hem the robe a little bit and make some adjustments for his admitted two-dimensionality, but hey — they'd be getting two for the price of one, since it's a sure bet that he'd bring Hobbes along with him. Not only that, but the kid's keen on dinosaurs and transmogrification. And he's never afraid to throw yet another snowball or water balloon at Suzy, even though he knows he'll get pummelled for it right afterwards.

**Dear Liberal Gal,**

**I really have a major crisis. Every time I go into an ice cream parlor, I can never decide whether to get a scoop of Chocolate Chip or Rocky Road. I'm at the edge of distraction — what should I do?**

Double dip.

COMMENTARY

# 1-900-BOB-TALK

The other day, I saw an old re-run of an "All in the Family" episode in which Archie Bunker hears that his neighbor, George Jefferson, had just recovered a sizable amount of money after having been injured in an auto accident. Archie gets an idea when Jefferson's son, Lionel, informs him that his father recovered enough money to purchase a small business, namely, a dry-cleaners. He feels that if Jefferson can get rich by suing someone who injured him in an auto accident, all he needs to do is pretend that the little fender-bender he was involved in with his taxicab was a bit more serious than he originally thought. One thing Archie needs to get his brainchild to blossom into a full-blown windfall is — you've probably guessed it by now — A LAWYER.

Meat-head thinks that Archie is crazy, but nevertheless, reads the names of various attorneys listed in the telephone directory so that Archie may exercise his dubious right to counsel:

Meat-head: "Adams ... Bridgers ... Cooper ... Feinberg ... "

Archie: "FEIN-berg."

Meat-head: "What, Arch, have you heard of him before?"

Archie: "No, Meat-head, I'm just thinking out loud. Go on there and keep reading."

Meat-head: "Gordon ... Haviland ... Jacobs ... "

Archie: "JAY-cobs."

Meat-head: "I know what you're doing, Arch. You actually believe that if one of these people has a Jewish name, that means that he's a better lawyer than the others. Archie, that's prejudiced."

Archie: "You're missing the 'pint' here, Meat-head. If I'm gonna have a case there, I have to have one of these people there who can give me what you call your 'defective' counsel."

Meat-head: "You mean 'effective' counsel, Arch. All I'm trying to say is that it's wrong to assume that just because a lawyer happens to be Jewish, he must be better than another lawyer."

Archie: "Will you stop givin' me your self-righteous rhetoric there, and read me another name?"

Meat-head: "There's one more, Arch. It's a firm called Rabinowitz Rabinowitz & Rabinowitz."

Archie: "That's the one I want! I want that there Rabinowitz fella."

Meat-head: "Can you believe this, Ma? Your husband really believes the stereotype that a person's religion makes him a better lawyer! What are we gonna do with him?

Edith: "Get him a 'Rabinowitz.' "

I apologize to the die-hard Bunker fans who realize that I've paraphrased much of the above, but my point is not that prejudice only exists on controversial sitcoms, nor is it that prejudice is always humorous. However, it should not exist in law school.

The prejudice of which I speak is not the racial/ethnic prejudice contained in many episodes of "All in the Family" which exploited Archie's ignorance for the sake of humor and Nielson ratings, but the prejudice against those accused of wrongdoing.

Our nation's system of criminal justice is founded on the presumption that a man is innocent until proven guilty. However, in practice, the accused is often guilty until proven innocent. This general attitude is proven every time you talk to a person in reference to a criminal who has just been indicted by a grand jury. Most people do not realize that the members of a grand jury only listen to the prosecutor's side of the story. There is no judge present to make sure that the prosecutor doesn't overstep his bounds and no defense attorney to object if evidence inadmissible at trial is proffered in order to bring charges against the accused. The result of this scenario is, "Whatever the prosecutor wants, the prosecutor gets."

Let's examine a hypothetical situation: If the case involves an Attorney General who is suspected of accepting illegal campaign contributions from alleged organized crime figures, the prosecutor may bend over backward to make sure the grand jury finds that there is not enough evidence to charge the Attorney General with a criminal violation. However, if the case involves a defense attorney alleged to have accepted cash fees from organized crime figures without bothering to inform the IRS if the fee is over $10,000, you can be sure the prosecutor will make a pretty name for himself if the allegedly corrupt attorney is ultimately found guilty. Therefore, the prosecutor will resort to anything, even if it means paying a mafioso to testify; even if it means prosecuting on the basis of RUMORS that the prosecutor would like to believe.

It's ironic that in one case, the prosecutor will argue that a criminal who has killed many of his friends solely for his own financial gain is not to be believed. (No one would ever dare convict a U.S. Attorney, whose reputation is, of course, above reproach, on the basis of a low-level mafia hood's testimony) while in the other, he'll argue that the criminal has come clean, and despite the fact that he now admits to having killed 15 people, the jury should not hate him because of his attrocious misdeeds, but appreciate his new-found honesty and believe him when he fingers his former attorney. Oh, and by the way, your tax dollars are paying for his new home, car, wide-screen television and in-door swimming pool located somewhere in Phoenix, Arizona, because, after all, Vinnie the Horse should be rewarded for turning State's Evidence. And what happens if the defense attorney is eventually found innocent because HIS attorney has an investigator who got Vinnie to admit on tape that he hood-winked the state into casting him in the 90's version of "The Life of Riley" in return for some bogus accusations against his former attorney? You guessed it. The money's already been spent and no one is going to pay it back!

This, of course, only happens in movies — and if you believe that, maybe a few of you would like to be retained by Riccardo Montalban. The truth is, this dubious brand of justice takes place right here amid the perpetually narrowing corridors of Garey Hall. On the basis of a rumor, a few students have been subjected to gestapo tactics which include lengthy interrogations, false accusations, harassment, and false imprisonment. What capital offense did these students allegedly commit? They allegedly saw a copy of the VLS compilation of every student's individual grades, including class standing. Interestingly, a copy is given to every professor each year, regardless of whether or not that professor is your advisor, or whether or not you've had the pleasure of being that professor's student. If such compilation is regarded as being so private that no student's eyes should ever see it in any form, under any circumstances whatsoever, then why don't the professors keep them under lock and key? This is beside the point.

These students have been targeted solely on the basis of a rumor. One person started the rumor, and one of the persons within earshot decided to go to the Honor Board. Even though this person had no personal knowledge regarding the events alleged in the rumor, the Board chose to believe it and initiated a random inquiry even though some in the administration asked the Board only to determine whether or not it had jurisdiction over such an alleged incident. Their modus operandi was to call any and every possible friend of the targets and ask him or her, "So what do YOU know about all of this?" Pretty scientific, huh? Of course, the interrogations of all of the accused and randomly-called potential witnesses took place in the absence of counsel. Sounds like a Due Process violation, you say? Morally, it probably is, but remember, VLS is a private institution, so there's no State Action. Therefore, the 14th amendment doesn't apply. "But this is supposed to be a law school," you bellow. I used to think that before I heard that the wonderful administration has nothing else better to do than browbeat the alleged perpetrators in the hope that such interrogation by ordeal will coerce some guilt-riddled soul to falsely admit that he or she actually committed the capital offense — which, it turns out, is not even an Honor code violation. Reminds me of **Brown v. Mississippi,** but I digress.

So, you ask, "'Why the big brouhaha over a non-Honor Code violation?" Oh, I don't know. Once the matter was again thrown back into the lap of the administration, or should I say, a CERTAIN SOMEONE in the administration, perhaps we couldn't find any substantive tasks to undertake after we had what was to become our new office redecorated? After all, how many times can you polish the frame on your autographed picture of LBJ without getting the urge to emulate the master, himself, and get your brown-nosing goons to fabricate some dirt that will overbear the will of your targets and allow you to emerge at the helm of the New Great Society that is VLS? Such a stunt may even justify the expenditures necessary to fulfill the material expectations of your newly appointed status.

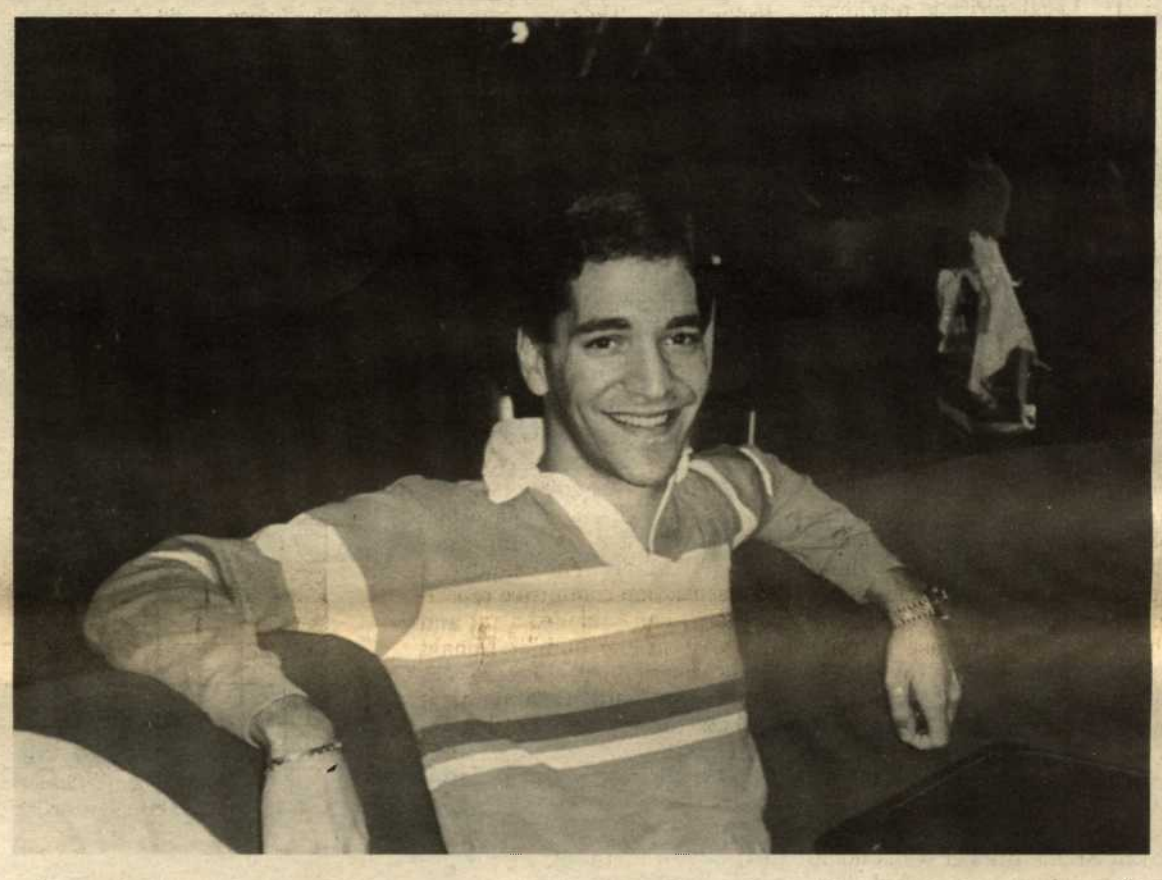
Sounds to me like some people in our administration forget that the students have rights. The fact that a rumor is circulating around the school does not make it gospel. Just as many people believe that an accused is guilty upon indictment because the prosecution MUST have a case if a GRAND jury thinks there's enough to bind him over for trial on the charges. Prosecutors would never intentionally allow an innocent man to be charged with a crime. No? Then why did the U.S. Attorney's Office in Newark bring a New Jersey attorney up on charges of bank fraud when he was merely paying his half-brother's mortgage payments during the current recession (which by the way is sure to sell at the hands of Slick Willy)? Their contention that the accused was guilty of assisting his half-brother in fraudulently obtaining a mortgage was scoffed at by the jury, which acquitted him of any and all charges. He WAS guilty of helping his brother through a period of financial turmoil — what a loathesome bastard! The U.S. Attorney's Office should be ashamed of itself for wasting the taxpayers' money. But then again, if you're connected with the government, your ethical duty to have a claim dismissed once you find it is meritless is abrogated by governmental immunity. They deserve it, after all, because they're the GOOD guys.

By the same token, the school should lay off students when it finds the allegations against them to be unsubstantiated. No prosecutor would go to trial with mere rumors from a "constructive accuser." The accused has the right to be confronted by all witnesses against him, unless I slept through one of Professor Carrasco's more important classes which outlined a Renhquist majority opinion that held anonymous accusers, on a whim, are now granted the privilege of submitting unsigned statements to a court so that the accused may be convicted without subjecting the accusers to the inconvenience of cross-examination; all of which is perfectly consonant with all constitutional rights and values. (I can't believe it! Turch just slammed his mentor on the Court. Anything to defend the rights of the helpless and soon-to-be downtrodded.)

"This is not a trial," you say? Well, this IS law school. Of course the accused could try and hire their own counsel to defend against such moral violations of their constitutional rights. However, this costs money and most of us don't have any since we're paying over $14,000/year for the privilege of walking through the front door of Garey Hall with the confidence that VLS won't have us charged with trespassing or tow our automobiles off the back lot. (I'm not so sure about the second half of that sentence; the school needs the money from all those bogus parking tickets to pay for the new office renovation project, to hell with overcrowding in the hallways. That only affects the STUDENTS!)

So you want an answer to this dilemma? Oh, I'm so glad that you've called. Did you remember to get your parents' permission first? The answer lies in refusing to sign the insulting pledges that VLS tries to get the 3d-years to sign upon graduation. Affixing your signature means that you'll "donate" $500/year for the next 4 years. That's over $500,000 per graduating class, assuming all are stupid enough to sign. If you do sign and find that Slick Willy's new economics mean that you have no disposable income, VLS can sue you for breach of contract! But the joke's on them, because Slick Willy just made sure tht you're now JUDGMENT-FREE!

The administration must realize that the students are not parties to be dealt with at arm's length. We are human beings who should express a certain fondness when we look back over our law school years. But when some of those among us are treated like criminals while the administration acts as judge, jury and executioner solely on the basis of unsubstantiated rumors, one no longer wonders why VLS has next to no financial support from its alumni. By the way, the law school's most generous, not to mention FORMER, benefactor is in jail for tax evasion. I bet his jail house photo wasn't in the VLS brochure next to the air-brushed photo of two imaginary students cozying up in front of the fireplace. I wonder why?



**"Sounds to me like people in our administration forget that the students have rights."**

# FEATURES

# How Not to Succeed in Law School

*[The following sections of this law review article are being published with the kind permission of Professor James D. Gordon, III, professor of law at Brigham Young University Law School. Additional sections will be reprinted in subsequent issues of* ***The Villanova Docket****.]*

**VI. The Law Faculty**

The law faculty is a distinguished group of prison guards who sit in attack formation at law school assemblies. If you want to know what kind of people law professors are, ask yourself this question: "What kind of a person would give up a salary of a jillion dollars a year in a big firm to drive a rusted-out Ford Pinto and wear suits made out of old horse blankets?" Think about this carefully before asking your professor's opinion on any subject.

A law professor's greatest aspiration is to be like Professor Kingsfield in the movie *The Paper Chase*. One professor who saw the movie decided (this is a true story) to act out one of the scenes from the film in his class. He called on a student, who replied that he was unprepared. The professor said, "Mr. Jones, come down here." The student walked all the way down to the front of the class. The professor gave the student a dime, and said, "Take this dime. Call your mother. Tell her that there is very little chance of your ever becoming a lawyer." Ashamed, the student turned and walked slowly toward the door. Suddenly, however, he had a flash of inspiration. He turned around, and in a loud voice, said, "NO, Clyde." (He called the professor by his first name.) "I have a BETTER idea! YOU take this dime, and you go call ALL YOUR FRIENDS!!!" The class broke into pandemonium. The professor broke the student into little bitty pieces.

Politics are often divisive at law schools. In the 1960's, the faculties were conservative and the students were liberal. In the 1980's, the students were conservative and the faculties were liberal — the professors having spent their formative years as members of the Grateful Dead entourage. The 1970's were a difficult transitional period during which, for an awkward moment, faculties and students were able to communicate. They discovered that they did not like each other.

When law professors are not doing important things like writing commericial outlines, they are writing casebooks. Of course, they make you buy their casebooks for their classes. One of the cardinal rules of casebooks is that they must have as many authors as there are soldiers in the Montana National Guard. The more authors the publisher can recruit, of course, the more classes in which the casebook will be adopted.

Just to prove that at heart they are really gentle, fun loving people, professors will occasionally do something a little bit zany, like wear a costume to class on Halloween. This makes the students laugh and cheer. Before you laugh and cheer, however, you should check your calendar. It is often difficult to tell whether a professor is wearing a costume or not.

**VII. Legal Writing**

During your first year, you take a class called "Legal Writing." The sole objective of this class is to make you write like real lawyers as little as possible. Virtually all lawyers write as if they were paid by the word. Some write as if they were born in a parallel universe. For example, here is the legal translation that has been offered for the simple, everyday phrase, "I give you this orange."

> Know all men by these presents that I hereby give, grant, bargain, sell, release, convey, transfer, and quitclaim all my right, title, interest, benefit, and use whatever in, of, and concerning this chattel, otherwise known as an orange, or citrus orantilum, together with all the appurtenances thereto of skin, pulp, pip, rind, seeds, and juice, to have and to hold the said orange together with its skin, pulp, pip, rind, seeds, and juice for his own use and behoof, to himself and his heirs in fee simple forever, free from all liens, encumbrances, easements, limitations, restraints, or conditions whatsoever, now or anywhere made to the contrary notwithstanding, with full power to bite, cut, suck, or otherwise eat the said orange or to give away the same, with or without its skin, pulp, pip, rind, seeds, or juice.[11]

This kind of supernatural incantation is designed to perpetuate the perceived mysticism of the law and its official high priests. Legal writing teachers, however, tell you that is preferable to use concise language and simple, everyday words. As Benjamin Franklin said, "Never use a long word when a short one will do." Of course, he was a printer, and he had to set the type by hand. Naturally, he preferred "pay" over "remuneration."

**"Sometimes people can't understand you when you use big words."**

Lawyers like to use "lawyerisms," like "aforementioned," "hereinafter," and "mortgagee." They also invoke ancient Latin phrases, such as "res ipsa loquitur." This means, "The thing speaks for itself." They never explain, however, WHAT the thing says. The phrase literally says, "The thing for itself speaks." Notice that the words are out of order. No wonder Latin is a dead language.

Sometimes people can't understand you when you use big words. When the loan officer asked Archie Bunker if his home was encumbered, he replied, "No, it's stucco and wood." A writer who uses words unknown to his reader might as well bark.[12]

Lawyers do strange things to language. For instance, they add "ize" to all sorts of words. They don't say "use"; they say "utilize." They also say "actualize," "initialize," and "prioritize." If you ask me, it's enough to make you "externalize" your breakfast. They should try harder to "laypersonize" their language.

Lawyers also write "said" alot. For example, one complaint stated:

> [B]eginning at a point on SAID railroad track about a half mile or more north of a point opposite SAID curve in SAID highway, large quantities of highly volatile coal were unnecessarily thrown into the firebox of SAID locomotive and upon the fire contained therein, thereby preventing proper combustion of SAID coal, resulting in great clouds of dense smoke being emitted from the smokestack of SAID locomotive . . . [Defendant] knew SAID smoke would fall upon and cover SAID curve in SAID highway when SAID engine reached a point on SAID railroad tracks opposite SAID curve, unless SAID smoke was checked in the meantime.[13]

The judge who quoted this language, realizing that they had not yet used up their daily quota, then added another sentence containing eight more "saids."[14] Said practice is supposedly invoked for precision, but said precision is illusory. Since the author referred to only one locomotive, "said" is unnecessary. If he had referred to two, "said" wouldn't tell you which one.[15] The real problem is that "the" doesn't sound important enough to lawyers, so they instead write said "saids."

Another sin of legal writing, as we have noted, is verbosity, which is exacerbated by the practice of using pairs of duplicative words, like "cease and desist," "null and void," "free and clear," "suffer and permit," "devise and bequeath," and "idiot and senator." This practice supposedly stems from periods in history when English lawyers had two languages to choose from: first, Celtic and Anglo Saxon, then English and Latin, and later English and French. But who really knows for sure whether this is true and correct?

A select group of judges have pursued the virtue of conciseness with a passion. For example, a taxpayer in the U.S. Tax Court testified, "As God is my judge, I do not owe this tax." Judge Murdock replied, "He's not, I am; you do."[16] Another example is *Denny v. Radar Industries*.[17] The opinion in that case contains very few words beyond the following language: "The appellant has attempted to distinguish the factual situation in this case from that in [a prior case]. He didn't. We couldn't. Affirmed."[18]

Another common boo-boo in legal writing is the mixed metaphor. This is a figure of speech that begins with one image and then, as slick as Elvis' hair grease, shifts to another. For example, a bar association committee reported that it had "smelled a rat and nipped it in the bud."[19] Donald Nixon complained, "People are using Watergate as a political football to buy my brother."[20] Even Jiminy Cricket told Pinocchio, "You buttered your bread — now sleep in it."[21] Therefore, before wedding a mixed metaphor to the very fabric of your argument, be sure to run it up the flagpole of microscopic scrutiny. Otherwise, the sacred cows will come home to roost with a vengeance.[22]

**"[T]he sacred cows will come home to roost with a vengeance."**

Lawyers also use a lot of cliches. They say things like, "The case is open and shut. Don't cut off your nose to spite your face." And, "To think that you will escape the day of reckoning in the cold light of reason is the height of absurdity barking up the wrong tree." So bite the bullet and avoid trite cliches like the plague.

Legal writing also often used double negatives. The U.S. Supreme Court has truly refined this art, writing the world's first and only, believe it or not — *quadruple* negative: "This is not to say, however, that the prima facie case may not be met by evidence supporting a finding that a lesser degree of segregated schooling in the core city area would not have resulted even if the board had not acted as it did."[23]

Government cryptographers have been trying to decipher this sentence for years. So far, they have been able to tell that it has something to do with schools.

The second half of your legal writing class is "moot court," a thrilling little death march in which you prepare a hundred page document that is called, appropriately enough, a "brief." Then you have the privilege of getting in a heated argument with another student in front of a panel of judges composed of extremely experienced second- and third-year students who have never in their lives set foot inside a courtroom.

The worst part of legal writing is having to learn the legal citation system. This is set forth in literally thousands of subrules in a book whose name nobody can remember, but which everybody calls the Bluebook, mostly because it's blue (or, as lawyers put it, "blue in color").

The operating principle of the Bluebook is that "NATURE ABHORRETH A VACUUM," so the Bluebook has provided a way to cite every single source since the invention of papyrus. And, because there's no logic to the system, you have to look up each rule every time. For example, on books you must give the initial of the author's first name, but for law review articles you don't, which I guess is supposed to be some sort of stupid reward for writing books. You are never permitted to give the author's first name for articles, even though there are 4,000 law professors named "Smith." This rule governs unless, of course, the author is a student. In which case you don't give her name at all, which in the past the law reviews also didn't do, but now they do. (Are you following this?) An article by a student is called a "note" or a "comment," but nobody can ever agree on which is which, so people just call it whatever they want. The Bluebook is just chockful of idiot rules like these.

**Footnotes:**

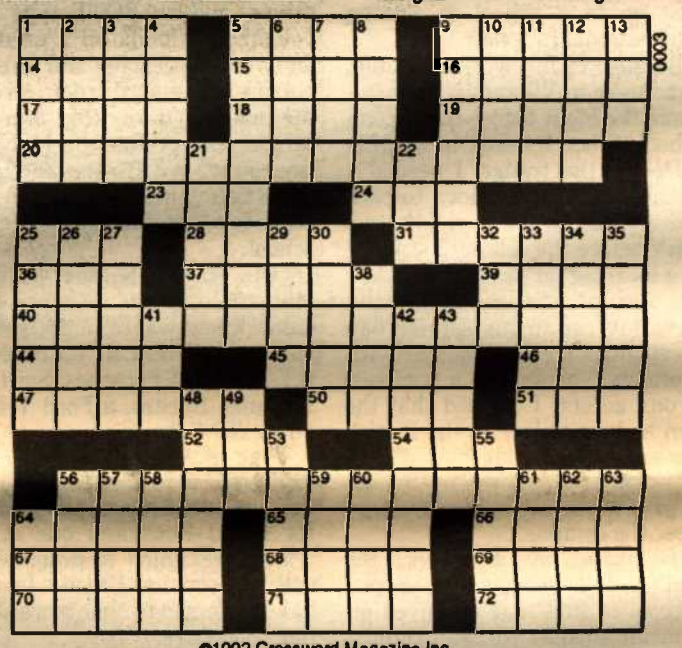
[11] *Plain Wayne*, Wis B. Bull. Feb. 1975, at 61.
[12] *The Difference Between Writing and Yelping*, Cal Law. Oct. 1989, at 116 (quoting an editorial in the *San Francisco Chronicle* (1941))
[13] *Button v. Pennsylvania R.R.* 115 Ind. App. 210, 211, 14, 57 N.E. 2d 444, 445 (1944) (en banc) (emphasis added)
[14] *Id* at 214, 57 N.E. 2d at 445.
[15] See Wydick, *Plain English for Lawyers*. 66 Calif. 1 Rev. 727, 740 (1978)
[16] As quoted in II Weihofen, Legal Writing Style 41 (2d ed. 1980)
[17] 28 Mich. App. 294, 184 N.W. 2d 289 (1971)
[18] *Id* at 294, 184 N.W. 2d at 290
[19] See G. Brandreft, The Joy of I.px 227 (1980) (quoting Boyle Roche)
[20] As quoted in B. Block, Effective Legal Writing 42 (2d ed. 1981)
[21] *Pinocchio* (Walt Disney 1940)
[22] G. Brandreft, *supra note* 19, at 227
[23] *Keyes v. School Dist. No. 1*, 413 U.S. 189, 211 (1973) (Brennan 1)

## CROSSW RD® Crossword

Edited by Stan Chess
Puzzle Created by Richard Silvestri

**ACROSS**
1 Toy-pistol ammo
5 A heap
9 Struck an attitude
14 Algerian port
15 Agenda segment
16 Mary Richards' best friend
17 *Star Wars* princess
18 Point at the dinner table?
19 Tended to the Tin Man
20 Koestler novel
23 Stirrup site
24 Hogwash
25 Cone-bearing tree
28 Steady
31 Cat, perhaps
36 *The College Widow* author
37 "___ you so!"
39 Pocketed bread
40 Head of the Secret Squadron
44 You, once
45 Comic lead-in
46 Tablecloth substitute
47 Joining alloy
50 Sit a spell
51 Whatever
52 Neighbor of Col.
54 He ran against DDE
56 Henry Fonda movie
64 Kerman native
65 Swordplay memento
66 Newspaper section, briefly
67 Grain elevators' kin
68 Albany-Buffalo canal
69 As far as
70 Composer Gustav
71 Kind of vision
72 Look too soon

**DOWN**
1 Without preparation
2 Precinct
3 Stud holding
4 Plumber's tool
5 Educated folks
6 Soul singer Redding
7 Wallet items
8 Slap on
9 PDQ
10 Riverfront Stadium's river
11 The man from U.N.C.L.E.
12 Delightful region
13 TV's *Major* ___
21 Sweetheart of the 1976 Olympics
22 A Smothers brother
25 Friday request
26 Potato type
27 Drive back
29 Tanker weights
30 Gantry of fiction
32 Reuters rival
33 Standard-deviation symbol
34 One of the Allens
35 Unkempt
38 Desperately urgent
41 Cartoonist Key
42 Be at odds
43 Eyewitness
48 Sign for a hitch
49 Gun the motor
53 Harried
55 Sundae topping
56 Small combo
57 Berlin casualty of 1989
58 Cain's nephew
59 Piece of land
60 Catch cold?
61 Act gl[illegible]
62 Distaff ending
63 Recess
64 Suffix with boy or girl



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(Answer on Page 22)

FEATURES

# Mulroney Takes to the Road

**Prof. Mulroney's "OLD MOG" in Shannonville 1989.**

*(Continued from page 1)*

first go to a school at Pocono International raceway.

Because of my work schedule, I had to be in Villanova, Pennsylvania the night before the Pocono school. Since I would have OLD MOG on the trailer, I needed a secure place in Villanova to park ti overnight. While I was there a week before the school, I stopped at a local Jaguar dealer and asked the service manager if I could leave my car in his service bay overnight. "We don't bother with Morgans," he said in a pompous Bronx accent. I decided that the sun had set at last on the British Empire, and arranged with my assistant at Villanova Law School to park the trailer in her driveway near the campus.

Following her directions, the night before the drivers' school I arrived to find that she lived on a mountainside. No way could I leave the trailer without it ending up in a downhill neighbor's living room. Thinking quickly, I drove to a nice ($125 a night) nearby motel with a brightly lighted parking area at the front entrance. I parked in back, walked up to the third floor and along the corridor until I heard voices in room 331. I took the elevator down to the lobby, told the desk clerk I was in 331, and asked if I could park my race car and trailer in front under the lights. "What kind is it?" she said. (Apparently the place is somewhat discriminating in the kind of race cars it accepts.) "A Morgan," I said. "Wow, sure," she said, and had the valet parking attendant move two cars to accommodate it. I unhooked the trailer, drove to where I was staying (at less than $125 a night), and retrieved the trailer in the morning for the five-hour drive to the track.

After years of being a self-deluded captive of inadequate and overpriced motels just off interstate exits, I am beginning to find that the best motel bargains in the country are near sports car tracks. A mile and a half from the Pocono track I registered at the Tudor Inn, an entirely adequate 1950's vintage hostelry (no desk clerk, the bartender checks you in) for $27.50 a night. At Watkins Glen I stayed at the Seneca Lodge for $40, and sat in the bar under the dry faded laurel wreaths of long-departed Formula One winners. And at Lime Rock I spent $35 for a room (bath down the hall, reminiscent of the Drake in Chicago before it was modernized) in the 18th century Ragamont Inn with its outstanding German cuisine. Eat your heart out, Howard Johnson.

At the Pocono Tudor I joined forces with a battered Formula V driver, and an SSGT type who bought his Honda off a used car lot two weeks earlier and finished putting in the mail order roll cage the night before. (My kind of person, except that he had race tires on it.) We drove to the track with Bob Johns, my wandering crew, to register for the next day's school.

"Oh, you're the one with the Morgan," said the registrar. "We didn't know where to put you, so you're in Group II." (Corvettes, GT-3 and 914 Porsches, Spitfires, Datsuns, Sprites, a Ford T Bird, and a 289 Cobra.)

That night we students were subjected to a briefing session that was little more than a forum for Bertil Roos and one of his young henchmen to promote his driving school at Pocono. I would have preferred to hear more about flag procedure.

The next morning we were assigned to our instructors. I drew a nice, housewifely looking lady who said she was a high school teacher. "Oh, my goodness," I thought. We got into Bob's automatic-transmission Oldsmobile sedan for the initial drive-around of the track with the instructoress driving. She asked how to get the car in gear. "Dear me," I though as we sedately toured the track while she pointed out the lines and apexes. My dismay was premature. After I ran several practice sessions, she took us back out in the Oldsmobile for another tutorial, and at my request was demonstrating the proper line through a turn that I had been very uncomfortable with at about 90 mph. I happened to glance at the speedometer and we were doing a little over 100, very smoothly. Well, looks are deceiving. It turned out that she started drag racing at 16, went through autocrossing and Solo I and currently ran a Z Datsun that was having its engine rebuilt because she blew it up while sideways in a turn at 7000 rpms.

After Summit Point, Pocono looked **huge.** It's a NASCAR track with (to me) wide banked turns and an endless back straight. I was intimidated, at first. At least there was plenty of room for the faster cars to pass me. The problem was that they seemed intent on doing it in the infield turns — at one point when I was straining to manipulate a tight right hander, the yellow GT-3 Porsche passed me on the right at the same time the red one took me on the left. I missed the apex.

The real problem was that all the cars went the wrong way of the track. I had spent two days at Summit Point learning to race clockwise and now I was expected to do it backwards. Is there no justice?

With a right-hand-drive car on a clockwise track, most of the bends are to the right. That means not only that you can see where you are putting your inside front tire, but you also sit two car widths from the left-hand driver passing you — in effect, you're kind of a detached spectator. But on a counterclockwise track, you are cheek-on-jowl with the guy going by, and you can see how relaxed he's making it look while he is blowing you away. After awhile I got the hang of it. The secret is to avoid eye contact, like when you cut someone off in commuter traffic: you deign not to notice him.

Eventually, I got over my awe at the size of the track, and how fast the bigger cars were going by me on the back straight, and began to drive with the supercool detachment of the initiated. Who me, uptight? Then, bewilderingly, I got black flagged. I drove around to the pits and a pit bull told me to take my goggles off the top of my helmet and put them over my eyes. Wellllll, maybe just a little uptight.

**"The real problem was that all the cars went the wrong way on the track."**

The only truly kindred soul in the school was the guy with the Cobra. Neither of us were out to kill our cars, and we went at it a little together. Since both had street tires, I could pretty well keep up with him in the corners, but he could leave me on the straights, when he wanted to. Surprisingly, the Morgan appeared to have better braking distance than the Cobra.

At the end, he gave me a good lesson in planning ahead with a vintage car. At the close of the day, when our group was to have its 5-lap race, the sky darkened ominiously. (So much so that on the pace lap I turned on my headlights, but it didn't do much good because they were taped.) The race was stopped just as it started to rain and hail a little. The Cobra headed immediately for his slot in the paddock, produced a quilted blanket and a car cover, and put them over the car. The quilt keeps hail from denting aluminum bodywork, he explained. Happily, it didn't persist and so my aluminum bonnet wasn't pocked. I now carry a padded blanket.

My next foray was to Watkins Glen for the SCCA drivers' school and my first full regional race. The only nonmishap of the nine-hour trip was when one of my dual axle trailer tires shed its tread. Better it than OLD MOG.

The registration ritual repeated itself. "You're the Morgan," the registrar said. "We didn't know what to do with you so we put you in a closed-wheel group for the school." (SS and IT sedans and the odd Spitfire and Sprite.) It was obvious that SCCA's perception of my ability had begun to sharpen at last. The Corvettes and Porsches were in a different group.

The asphalt ambience of the Watkins Glen track falls more or less midway between Summit Point and Pocono. It's wider than the first and more interesting than the second, except for the long back straight. You get to it through the downhill esses and up a hill over the bridge. Once I got it right (after three off-track excursions at the first turn), I would be going about a hundred at the top of the hill and, since I wasn't out to set a track record (Hah!), there was nothing left to do but tour. I could have had a leisurely cup of coffee and a bagel by the time I got to the back corner. I had decided that, since the only person I was really racing against was myself, I wouldn't run the car over about 5500 rpms, which translates into about 110 mph.

After Pocono, where OLD MOG registered only 75 dba for sound control out of a permitted 108, and because the exhaust flex pipe had cracked one of the times I was out in the weeds, I replaced the muffler with the straight pipe, with some trepidation about the sound level. With it, I registered a serene 89-90 dba and had a noticeable increase in acceleration. Since I wasn't winding it up to the redline I have no idea whether there would be an increase in top speed, but it sure sounded nice.

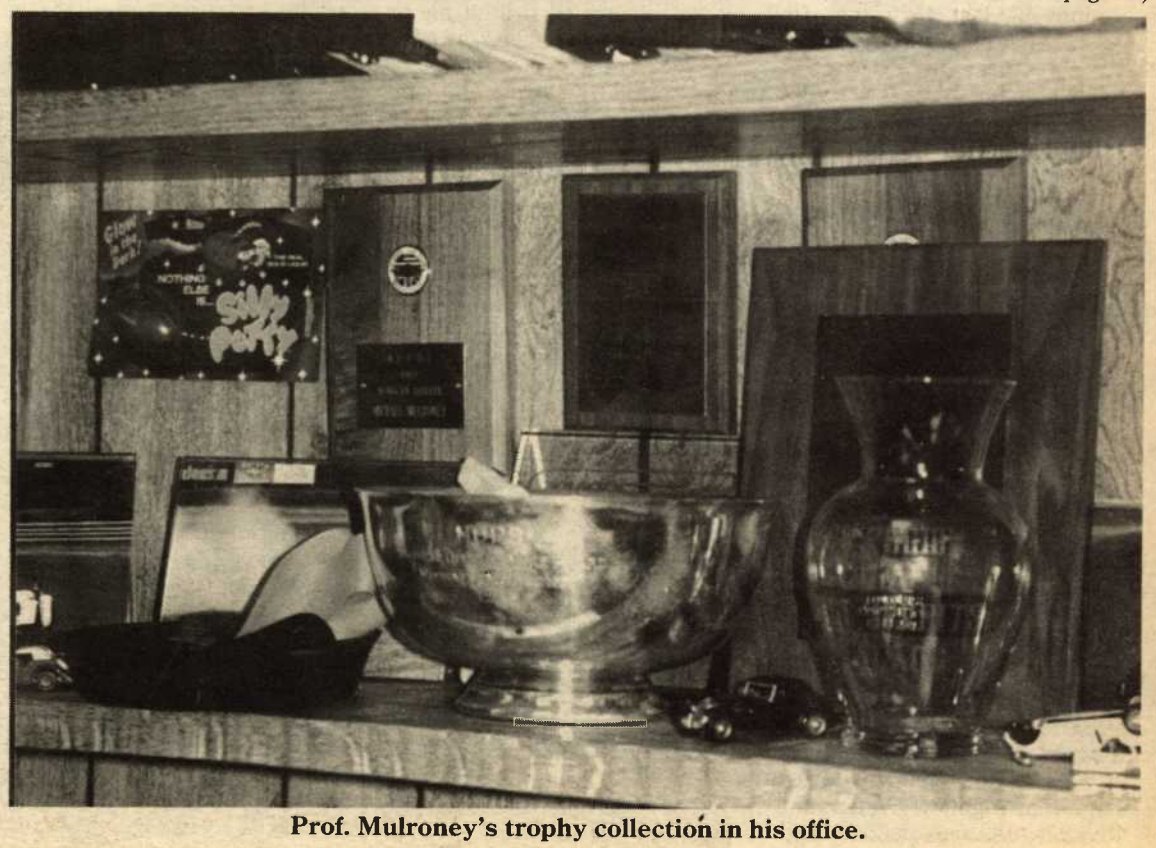
Jim Brown, my E Production National license holder-instructor took one look at me and OLD MOG and said, "When [not **if,** mind you, 'when'] you lose it and spin, be sure you clutch and brake hard at the same time; don't let up until the car stops completely. The car has kinetic energy until it's fully stopped, and the only thing that's controlling it is not you, but the four tire patches on the ground."

**"Two wheels way off the ground provides an interesting sensation."**

Although not anxious to test his theory, as noted above I spun on three occasions in Turn 1. Obviously my enthusiasm was increasing at a faster pace than my skill. The first two times I followed Jim's advice, and the car settled without incident. The third time I braked until I thought the spin had stopped but, while the car was still moving, I let up on the brakes — and came as close as I would like to going over. Two wheels way off the ground provides an interesting sensation. But I learned my lesson well enough to have it pay off at Lime Rock. Read on.

The drivers' school was run on the short track. The 15-lap race the next day was on the full track which included a boot that disappeared downhill into the trees. Because I had not been on that part of the track, I got up at daybreak and walked the entire course to take a look at where I was going to go. On my tour I saw two deer ambling across the course. I assume that the corner workers have some sort of warning flag for deer. Indeed, wildlife seem to be an ongoing problem at country tracks. At Lime Rock, while on the starting grid, the pit people came around and warned us about a fox that had been seen on one of the back corners. I have enough trouble staying out of the way of cars, let alone indigenous

*(Continued on page 11)*



**Prof. Mulroney's trophy collection in his office.**

FEATURES

# Mulroney Continued

*(Continued from page 10)*

fauna.

In the qualifying practice session for the race my best lap was 2:40 while the pole car ran 2:17. That got me gridded 20th out of 24 starters, and I was able to move up to finish 17th. I might have done a little better ("Yeah, where have I heard that before?") except the hood came loose down the finish straight in the middle of the race. I pulled onto the verge at the first turn and argued with the flag lady — who, entirely correctly, wanted me to get over the barrier and the hell out of the way — while I climbed out and fumbled to relatch the hood. In normal circumstances I might have followed her increasingly strident directions (she kept tugging at my arm) except that I needed to finish the race in order to get the first leg up on qualifying for my license. I finally got it fastened and returned to the field. At least she was a good enough sport to wave at me on the cool-off lap after the checkered flag.

**Ready to go at Summit Point in 1991.**

Several laps before that, years of being a motoring pipe smoker finally paid off. Those of us who smoke pipes while driving learn to steer with the upper part of the knee at the bottom of the steering wheel, since you need both hands to fill and tamp your pipe. The Brooklands racing windscreen on OLD MOG is held by two wingnuts. Coming out of the boot and around the last turn into the finish straight both worked loose. The slipstream tilted the screen back and it interfered with the top of the steering wheel. The start-finish flagger looked fairly startled when I went under him at about 90 with both hands on the nuts tightening them and twiddling with the screen. Didn't know I was a pipe smoker, I guess.

After the cool-off lap, I was motoring back into the paddock when a pit marshal held up a sign in front of me that said "Impound." Startled, I followed his directions and pulled into the space reserved for impounding the first three finishers. I knew I wasn't one of them. It turned out that I had finished first in class, even though 17th overall. No one lodged a protest.

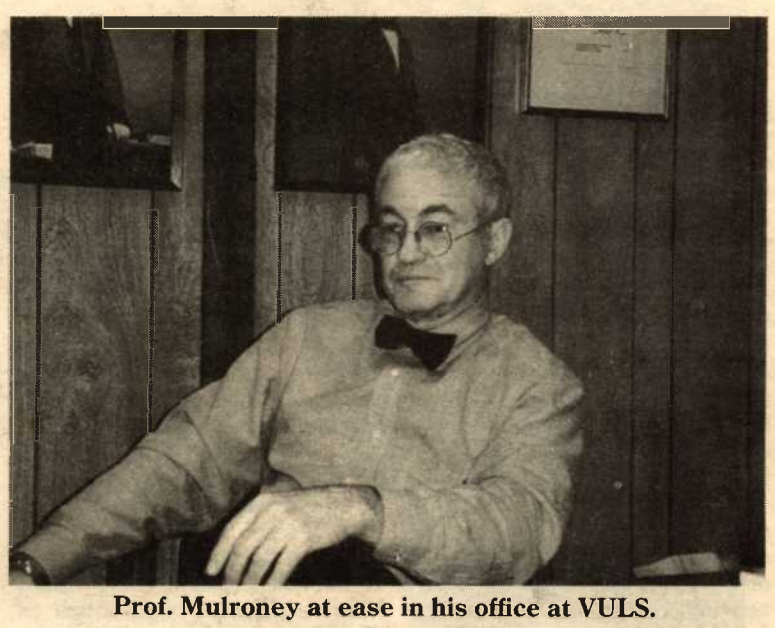
The final outing of the season for my one-man Phlexed Sphincter Racing Team was at Lime Rock. Getting there was not half the fun. The drivers' school started Friday morning at 7:30 a.m. and I had to teach at Georgetown until 8 Thursday night. The ten-hour drive up to Connecticut through the night was fairly uneventful until I crossed the Hudson River from New Jersey into New York and ran into dense fog. After an hour of driving at about 20 mph with the blinkers on, I pulled over to wait for dawn and washed and shaved in the cold drippings from the roof of the local county welfare office. I made it to the track just in time for the opening of registration, and was greeted warmly by the registrar, with the usual litany: "Oh, you're the Morgan ... etc."

I must say that the SCCA registrars I dealt with were most accommodating, at least in one important respect. When I got OLD MOG, more or less fresh off the race circuit in Holland, it came with its racing No. 1s on it. I peeled the numbers off and saved them. Since the Team is a low budget operation I requested No. 1 at Summit Point, got it, stuck the old numbers on, and have used them ever since, negotiating for that number in each instance with the event registrar. They are getting a little shop-worn, however. Maybe next year I will have to go with shoe polish.

My instructor had a prepared Spridget that he was going to run the next day in my race. He seemed preoccupied with making sure that I watched my rearview mirror, and was adept at waving faster cars by. In the race, his qualifying time was worse than mine because of mechanical trouble, so he started behind me on the grid. He only lapped me once, and I adeptly waved him by.

Practice and qualifying sessions for the 15-lap regional race got off to a slow start, and they began recording lap times immediately. That turned out to be to my advantage. About four laps into the practice session I was motoring placidly along on the back non-straight straight setting up my line for the next corner at about 80 mph when an enthusiastic competitor tried to pass me on the shoulder and hit OLD MOG in the left rear. While spinning through 720 degrees, in the face of heavy oncoming traffic taking evasive action, and smelling my own tire smoke, I had the opportunity to review my three-month-old lifelong commitment to vintage racing. The jury is still out.

Having followed Jim Brown's instructions to the letter ("When you spin, both feet in") I ended up fully stopped in the middle of the track pointed in the right direction with the engine still running. Quick work by the corner flag crew slowed traffic and I pulled off onto the shoulder, jumped out, and climbed over the barrier. My hands were shaking. The left rear tire was blown and the fender dented, so I waited for the hook to arrive after the session. The two truck workers were quite careful and were able to tow the car to the nearest exit without further damage. One of my sons, Conor, and a friend were crewing for me and we changed the bad tire for the spare, pulled the fender out, and I was ready for the afternoon race.



**Prof. Mulroney at ease in his office at VULS.**

Of course, I felt no animus toward the fellow who had hit me, and accepted the incident cheerfully. After all, the swine was obviously preoccupied by the fact that his mother had never wed his father whose ancestors had gleaned the dung heaps of central European cities. Acting in full accord with the sportsmanlike tradition of SCCA club racing, I veiled my disappointment when my crew returned to report that they were not able to slash the guy's tires because there were too many people around.

Fortunately, I had done enough laps to get timed. My best lap was 1:40 at an average speed of 74 mph, about 9 mph and ten seconds off the pace of the Porsche 914 that took the pole. That put me 28th out of 33 for the start of the afternoon race.

At some point in each of the events in my short and unspectacular racing campaign I have thought to myself: "'What the hell am I, a mild law professor, well into my 56th year, doing here?" That question recurred as I sat on the grid waiting for the race to begin in my tightly zipped driving suit and long underwear, with helmet, face shield, gloves and mask, when a cheerful pit worker came by to say that the start would be delayed for 15 minutes and the temperature on the grid was 125 degrees. "Having fun," was the answer.

And it was. The race went well; I took it even easier than I normally did because the spare on the rear was not very well balanced and tended to bounce the car around a bit in excess of about 105 mph; I passed a few cars, many passed me, and I finished 26th. On the cool-off-lap the flag crew on the corner where I had the shunt applauded and cheered, and I applauded back (we pipesmokers can do that while underway). I was impounded again because I was first in class, but by this time that was ho-hum stuff, right? Wrong, it was an absolute blast. My Pocono school-marm instructoress was there for the next race, and we embraced warmly. She finished third in her race, so as not to embarrass me, she said.

The chief steward signed off on my novice permit and, anticlimactically, I sent in my 25 bucks and got my competition license in the mail. Symbolically, it's grey.

So what did I get out of my six SCCA events besides a piece of plastic? About 700 miles of track time at speed, a bent rear fender, a dickens of a lot of fun and, I think, I'm a better street driver for it.

# Spice Up Your Spanish

How do you say "chill out" in Spanish? A new book, *Mexican Slang* by Linton H. Robinson, tells you what your Spanish prof won't! It reveals the hip talk, cool lingo and lewd eloquence of the Spanish used commonly in the streets of modern Mexico, and by Mexicans who have migrated elsewhere. The new title from Bueno Books, a division of In One EAR Publications, has just been released in time to save you from terminal boredom in Spanish 101. The book's cover warns that it contains adult language; the expressions used by native Spanish speakers are often slang (and sometimes a little off-color) — this is real-life Spanish! Since these phrases are usually not found in a dictionary, the language student and novice are left in the dark. Into the breech comes *Mexican Slang*, a guide to the jargon of drug dealers, *cholos*, outlaws and in-laws, teens and yuppies. This fascinating little volume is full of difficult-to-decipher words and expressions.

For those who want to spice up their Spanish vocabulary, or those who plan to head south for spring break, this pocket-sized book is perfect. It is modestly priced at only $6.95, and can be ordered by calling toll-free 1-800-356-9315. The double indices (one in Spanish and one in English) give an idea of the completeness of *Mexican Slang*: from *a todo dar* ("to the max") to *zurrar* (to defecate), and from AIDS to "with it," this book tells it all. Whether you wish to use these words, want to be careful to avoid them, or simply want to understand them when you hear them, there's no book quite like *Mexican Slang*. As Rev. Russell Spry Williams stated, "To preach against sin intelligently, I have to know something about it." Someone else once said, "There are few enough words that everyone understands — in the interest of communication, I'll use them!"

## FEATURES

# HR, 8215, Treatment of Unpaid Child Support

**[Editor's Note:** The following piece was written in early September 1992 in response to a proposal included in the Senate version of H.R.11 (the tax bill vetoed by Pres. Bush). The proposal was to require delinquent child support payors to include the unpaid child support in gross income, and to allow a matching deduction for the payee. Although the proposal was eliminated in Conference, it will most likely reappear in the expected 1993 tax legislation.

*This section examines issues of practical concern to tax professionals. Focus articles are printed with the understanding that Tax Management is not engaged in rendering legal, accounting, or other professional services.]*

**HR 11, §8215, Treatment of Unpaid Child Support**

**by James Edward Maule, Esq.**
**Professor of Law**
**Villanova University**
**Villanova, Pennsylvania**

The Conferees on HR 11 should change the proposed tax treatment of unpaid child support (§8215 of the bill) from a deduction/gross income method to an excise tax/refundable credit method. The problems caused by unpaid child support deserve attention. However, the deduction/gross income method poses serious but avoidable problems. An excise tax/refundable credit method would be more efficient, more effective, more consistent with the underlying theories of federal income taxation, less risky, and much more likely to be revenue neutral.

**1. Proposal**

Under an excise tax/refundable credit method, the delinquent child support payor would be subject to an excise tax equal to the amount of the delinquent child support, as defined in HR 11, §8215, up to a maximum of $5,000 per child. The custodial parent would be allowed a refundable credit equal to the amount of the delinquent child support, up to a maximum of $5,000 per child. The notification and other procedural provisions of HR 11, §8215 would be retained.

**2. Efficiency**

It is well documented that credits are more efficient than deductions for purposes of achieving social policy goals through the Internal Revenue Code. The primary reason is that credits benefit taypayers fully regardless of their tax brackets. Refundable credits benefit even those taxpayers who have no tax liability.

I judge from its $5,000 limit that the proposal is aimed at individuals with low taxable incomes. But even an above-the-line deduction will provide little or no benefit to many persons in that category. In contrast, a refundable credit would provide them with cash.

Likewise, a gross income inclusion would not have the same impact on a delinquent child support payor as would an excise tax. A delinquent payor with little or no income, or who is not otherwise obligated to file an income tax return, would not be significantly disadvantaged by a gross income inclusion. In contrast, an excise tax would provide a very strong encouragement to the delinquent payors to make the child support payments otherwise required of them. There would be a tax liability notwithstanding the delinquent payor's taxable income.

**3. Effectiveness**

The excise tax/refundable credit method would cause a much greater amount to be shifted from delinquent payors to custodial parents than would the gross income/deduction method. Under the proposal as contained in HR 11, §8215, the maximum amount of monetary transfer with respect to any one child is $1,550 (the $5,000 maximum multiplied by the 31% highest nominal marginal rate). In other words, the gross income inclusion would increase the payor's liability by, at most, $1,550, and would reduce the custodial parent's tax liability by, at most, $1,550. In all likelihood, the monetary transfer will average no more than $750 per child $5,000 multiplied by the 15% marginal rate), and could be as little of zero.

In contrast, an excise tax/refundable credit method would cause a transfer of as much as $5,000, or at least as much as the delinquent amount. The excise tax on the delinquent payor would increase the payor's federal tax liability by the amount of the delinquent child support not in excess of $5,000, and the refundable tax credit would reduce the custodial parent's tax liability or increase the refund by the same amount. The tax brackets of the individuals would not matter. Aside from children for whom support payments exceed $5,000, the child's custodial parent would receive the amount he or she is entitled to receive. As explained below, this would impose no financial burden on the federal Treasury.

The excise tax/refundable credit method is more effective in another aspect. It seems safe to assume that a delinquent child support payor who sees an excise tax in the full amount of the unpaid support added to his or her federal tax liability will in many cases be convinced to begin making the required payments directly and on time, in order to avoid becoming subject to an excise tax on delinquent payments. A gross income inclusion, however, might not be as noticeable and, as explained above, might not even require the filing of a return or affect federal income tax liability.

**4. Consistency with Federal Income Tax Policy**

The gross income/deduction method to the delinquent child support payment problem conflicts with fundamental principles of federal income tax policy. Although the idea of the gross income/deduction method has been noted by JCT Chief of Staff Harry Gutman as being novel, it actually violates any coherent explanation of the theory of gross income and the theory of deductions. It removes the barrier between items that are potentially gross income and those that are not, and the barrier between items that are potentially deductible and those that are not.

Throughout the history of the income tax, deductions have been based on the existence of an actual cash, or accrued, outlay. This is the reason courts have consistently denied deductions to cash method taxpayers for wages not paid to them by defaulting employers (e.g., *Savignano v. Comr.,* 38 T.C.M. 1,2 (1979)), or uncollected business receivable (e.g., *Holman v. Comr.,* 66 T.C. 809, 816-17 (1976)), for rent not received from tenants (*Hort v. Comr.,* 313 U.S. 28, 32-33 (1941)), and for unreceived royalties (e.g., *Fisher v. Comr.,* 51 T.C.M. 815, 817 (1986)). It is also the reason taxpayers are properly denied deductions for the value of their own services. (E.g., *O'Connor v. Comr.,* T.C.M. 1191, 1193 (1981); *Clark v. Comr.,* 25 T.C.M. 118, 119 (1966)). The grant of a deduction where a taxpayer has not received an amount due to the taxpayer, and which has never been included in the taxpayer's gross income, sets a precedent that causes me much concern. In contrast, there is precedent for using a refundable credit; for example, the earned income credit and the credit for the elderly and disabled.

Similarly, requiring a taxpayer to include an amount in gross income as discharge of indebtedness income when in fact there has been no discharge conflicts with the notion that there cannot be income unless the taxpayer has a clearly realized accession to wealth. (*Comr. v. Glenshaw Glass Co.,* 348 U.S. 426 (1955)). Under §61, there cannot be gross income unless there is income. Delinquency in paying an obligation is not income. (*See U.S. v. Centennial Svg. Bank,* 111 S. Ct. 1512 (1991). In contrast, an excise tax is well suited for this type of situation. Analogous examples include the excise taxes on greenmail (§5881) and on certain golden parachute payments (§4999).

An additional problem arises if in a subsequent taxable year the delinquent payor voluntarily or involuntarily makes the delinquent payment. The tax benefit rule would appear to require the custodial parent to include the payment in gross income to the extent the previous deduction provided any tax benefit. The provisions of HR 11, §8215 do not provide a deduction to the payor, which raises questions of fairness, efficiency, and policy. Moreover, the provision as drafted provides an incentive for manipulation of child support payments in order to obtain tax benefits arising from tax bracket differentials in different taxable years, after application of present value analysis. Creation of an elaborate recapture mechanism similar to the §71(f) alimony recapture provisions would make the tax law even more complicated and less administrable. In contrast, the excise tax/refundable credit method does not pose these problems. Subsequent payment by the payor would generate an excise tax for the custodial parent and refundable tax credit for the payor. Rate bracket manipulations would be impossible. It is likely that most states would consider the excise tax (but not the gross income inclusion) to constitute payment for purposes of state child support law. In that case, subsequent payment by the delinquent payor would not arise.

**5. Riskiness**

There is, in my opinion, a significant risk that the gross income portion of the gross income/deduction method could succumb to constitutional challenge. The Sixteenth Amendment permits the imposition of a tax on incomes. It can be argued that mere delinquency in paying an obligation, without discharge, is not an income item that can be taxed within the meaning of the Sixteenth Amendment. (*See Merchants' Loan & Trust Co. v. Smietanka,* 255 U.S. 509, 519-20 (1921); *Rutkin v. U.S.,* 343 U.S. 130, 138-39 (1952)). Also, it can be argued that the provision exposes the delinquent payor to double taxation that violates the Fifth Amendment, particularly if a subsequent discharge of the obligation also generates discharge of indebtedness income (which, technically, it would, under §8215 as drafted). Finally, it can be argued that the constitutionally required realization (*see Eisner v. Macomber,* 252 U.S. 189, 212 (1920)) is absent when a taxpayer merely postpones the payment of an obligation, because the obligation has not been discharged.

Although the constitutional challenges might very well be rejected, it would be unfortunate, from the perspective of the goals you are trying to accomplish, if they were sustained. The excise tax/refundable credit method does not pose these constitutional concerns, and is the less risky method to take.

**6. Revenue Neutrality**

The gross income/deduction method poses the possibility that revenue losses from the deduction would exceed revenue gains fromthe gross income inclusion. Though one might perceive delinquent payors to be in higher tax brackets than the corresponding custodial parents, there are many delinquent payors who, as explained above, need not file an income tax return and will not be required to do so merely because of a several thousand dollar inclusion. There are other delinquent payors who can absorb several thousand dollars of gross income without incurring additional income tax liability, reflecting perhaps a maxim that a person who avoids paying child support is likely to plan transactions in order to avoid paying income taxes. Though the gross income/deduction method might just as well raise revenue, it does pose the identifiable risk of being a revenue loser.

In contrast, the excise tax/refundable credit method presents a guaranteed revenue neutrality result. Each dollar of excise tax is matched by a refundable credit. Coupling the guarantee of revenue neutrality to a provision whose goals could be decried only by the callous not only would guarantee its survival though the Conference but also would create an admirable social policy tax provision in the era characterized by many not-so-thoughtful tax changes.

# NY Bar Favors Easing Restrictions for Appeal

(NYSBA) — The New York State Bar Association recently endorsed a report from its Committee on Legal Education and Admission to the Bar calling for less restrictions and increased access for those who appeal New York State bar exam scores.

The bar group explained that its concerns regarding the examination appeals process — administered by the Board of Law Examiners (BLE), the same group that administers the exam — center on five specific areas:

* restrictions on access to essay questions should be eased
* restrictions on access to model answers from past bar exams should be eased
* applicants who appeal should be able to provide substantive arguments in support of their appeals
* there should be no limitation on assistance to applicants, and
* a specific time period should be established in which the BLE renders its appeal decision.

There are a total of 1,000 points on the bar exam, and 660 is a passing score. Under the current system, an applicant who scores between 650 and 659 on the bar exam may appeal one or more essay answers. Access to the exam, the applicant's answers, and model answers from previous years are all severely restricted. Applicants must consider their appeal options based upon their reconstructed memory of the exam and their answers. In addition, the criteria on which previous appeals have been successful are obscure and generally not communicated to appeals applicants.

The committee, chaired by J. Kirkland Grant of Huntington, a professor at Touro School of Law, proposes reform of the appeals process: calling for full disclosure of essay questions to appeals applicants and model answers from previous bar exams to future bar candidates for admission to the bar. In addition, the state bar supports an applicant's right to provide a brief substantive argument in support of an appeal: and calls for the BLE to announce the criteria used to approve or deny an appeal.

The 54,000-member New York State Bar Association is the official statewide organization of lawyers in New York and the largest voluntary state bar association in the nation.

# CALENDAR

## VILLANOVA UNIVERSITY
## SCHOOL OF LAW

*Calendar of Events*

**Spring 1993**

| | | | |
|---|---|---|---|
| **January** | | | |
| 8 | Fri. | | Registration for first, second and third year |
| 11 | Mon. | | Classes begin |
| 14-16 | Thurs.-Sat. | | Court Jesters' *"Plaza Suite"* |
| 15 | Fri. | 2:00 PM | Faculty Meeting - Board Room |
| 30 | Sat. | | Quarterfinal Round of Reimel Competition |
| **February** | | | |
| 12 | Fri. | 2:00 PM | Faculty Meeting - Board Room |
| 20 | Sat. | 10-1 | *Environmental Law Journal* Symposium |
| 22 | Mon. | | Semifinal Round of Reimel Competition |
| 26 | Fri. | | Spring recess begins after last class |
| **March** | | | |
| 8 | Mon. | | Classes resume |
| 10 | Wed. | 7:30 PM | SBA First Annual Reuschlein Speaker Series |
| 12 | Fri. | 2:00 PM | Faculty Meeting - Board Room |
| 12 | Fri. | | Dinner for Gianella Lecturer |
| 13 | Sat. | | Giannella Lecture |
| 13 | Sat. | 6:00 PM | *Law Review* Dinner |
| 19 | Fri. | | *Environmental Law Journal* Dinner |
| 27 | Sat. | | Final Round of Reimel Competition |
| **April** | | | |
| 1,2,3 | Th,F,S | | Court Jesters' Spring Musical - *The Gondoliers* |
| 9 | | | Holiday - Good Friday |
| 14 | Fri. | 2:00 PM | Faculty Meeting - Board Room |
| ? | | | Board of Consultors meeting |
| 26 | Mon. | | Classes end after last class |
| 30 | Fri. | | Examinations begin |
| **May** | | | |
| 14 | Fri. | | Examination period ends after last examination |
| 14 | Fri. | 2:00 PM | Faculty Meeting - Board Room |
| 21 | Fri. | | **Commencement** |
| **June** | | | |
| ? | | | Faculty Meeting - Board Room |

11/2/92

# OPPORTUNITIES

## Career Services Corner

**Career Services Corner**
**by Elaine Fitzpatrick**
**The Judicial Clerkship Option**

The Clerkship panel discussion that was hosted on November 12th is now available on videotape in the main library. For students who missed the meeting, below are some of the compelling reasons offered in favor of pursuing judicial clerkships, either as a summer or post-graduate option:

- Clerkships are generally interesting and provide unique insights into judicial decision-making, trial and appellate advocacy and court procedure.
- Clerkships often provide an entree into major law firms and government agencies. They can be especially helpful to students whose academic credentials would otherwise be viewed as marginal by such employers.
- Post-graduate clerkships can provide a hedge against the uncertainty in the legal hiring market and the risk of a "no-offer" from a summer employer.
- While judges, especially federal and appellate level judges, *are* grade conscious, unlike many law firms, grades are rarely used as the sole hiring criteria. Because judges are making unilateral decisions about people with whom they personally will have to spend a good deal of time, their choices of clerks tend to be more personality driven than law firms.
- Clerkships allow you an opportunity to get the real lowdown on law firms *before* you sign on.
- A federal summer clerkship is an *excellent* way for a 1L or 2L student to have an interesting summer experience *and* to gain unbeatable resume credentials. 1L students should know that 2L students who did federal clerkships last summer reported that, outside of grades, it was *the most significant* factor in being granted initial interviews this year. Reliable sources report that most clerkships this summer will be work-study or volunteer *only*. Students who can't afford to volunteer full-time can work part-time and earn money at another part-time job. A significant advantage to volunteering your time is that you can usually get a job with any judge of your choosing. Sometimes summer clerkships turn into post-graduate clerkship offers.
- While you will do a fair amount of research in a clerkship, especially appellate clerkships, unlike many jobs, you will not be buried in a library doing research all day. You will be assisting in court and getting to know members of the local legal community. This can be very advantageous in future job hunts.
- Although clerkship salaries are usually less than law firm's, as the hours are more reasonable (typically 8 hours a day), on a per hour basis, the compensation is not that disparate.
- Because fewer students seek clerkships, with the exception of the "prestige" federal clerkships, the competition is not as steep as for many other legal positions.
- Because you work for a "judge" and have a certain amount of influence with them you will be treated by other lawyers with a respect and deference not always accorded associates in law firms.

The application procedure for both federal and state clerkships is described in several handouts in the Career Services Center. If you are interested in pursuinng one, timing is important. 2L students should begin sending federal clerkship applications for post graduate clerkships ASAP and *no later than* January 1st. 3L students interested in state clerkships should also begin applying now. You will need three letters of recommendation (ideally two from professors); a cover letter; a resume; a transcript and a *short* writing sample (5-10 pp.). Depending on the marketability of your credentials, you may want to be flexible geographically. Avoiding saturated markets can greatly increase your chances of an offer.

Applications for summer clerkships should also be sent out ASAP and no later than January 1st.

Clerkship directories, handouts, handbooks and mail-merge files are available in the Career Services Center. The **Federal Court Appointments Report** listing newly appointed federal, bankruptcy and magistrate judges is also available. Questions regarding clerkships should be addressed to the Career Services Center or members of the faculty clerkship committee.

## Cincinnati Job Expo

CINCINNATI — Recent college and technical school graduates and current seniors will have an opportunity to network with Greater Cincinnati's top employers during this year's Greatest Cincinnati Job Expo.

The third annual Job Expo will run from 10 a.m. to 4 p.m., Dec. 18 at the Albert B. Sabin Cincinnati Convention Center, Fifth Street, downtown.

The event, presented by the Greater Cincinnati Chamber of Commerce and the Greater Cincinnati Human Resources Association, provides a forum for participants to discuss career opportunities with representatives from more than 50 participating companies.

Participating employers include A-Mold Corp., Belcan Corp.,CentralTrust Bank, Choice-Care,Chubb Group of Insurance Co.,Cincinnati Milacron, Frisch's Restaurants, Hillshire Farm & Kahn's, IDS Financial Services, Kentucky Job Service, KRC Associates, Lazarus, LeBlond Makino, Massachusetts Mutual, McAlpin's, Mutual Manufacturing & Supply Co., Northern Kentucky University, Ohio Bureau of Employment Services, Omni Netherland Plaza, Providence Bank, Siemens, South-Western Publishing Co., Super X, and U.S. Playing Card Co. This year's event is presented in cooperation with Cincinnati Milacron, the University of Cincinnati, U.S. Playing Card and Xavier University.

Students graduating from college and technical school in 1992 or 1993 are invited to attend. Admission is free. Graduates and students are required to dress for an interview and bring at least 10 copies of their updated resumes.

Job candidates with associate's, bachelor's and graduate degrees will be able to discuss career options in all fields of business and industry. Information about the employers will be provided, including address, phone number, personnel manager and preferred degrees.

Workshops on "How to Market Youself" and resume critiques will be conducted throughout the event.

In addition, participants' resumes will be included in a data base for continued use by Job Expo employers after the event.

For more information, call the Job Expo Hotline, (513) 579-3119.

## Intellectual Property?

**by Frank Cona**

The term conjures up images of the hapless engineer-turned lawyer who, with bluebook in one hand and textbook in the other, champions the cause of his clueless cousin — the real engineer. But the apparition is purely illusory. It is the result of a myth spawned from misinformation. The purpose of this article, and those to follow, is to dissipate this misguided vision, and to reveal the true substance of this growing field.

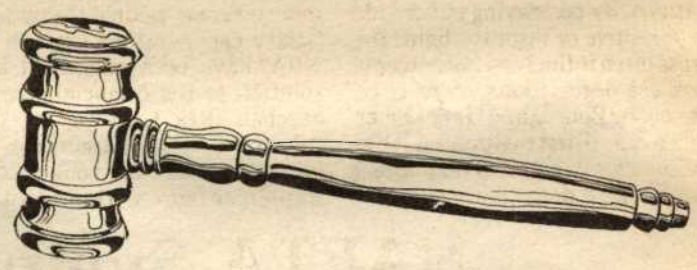
The practice of intellectual property law encompasses many areas: patents (previously alluded to), copyrights, trademarks and trade secrets. Each of these topics will be discussed briefly in separate articles, to provide just a glimpse at what lies beyond. The topic de jour: coyrights.

From the moment an artist creates a work in tangible form, it is protected by the constitution, whether made public or not. The creator has the exclusive right to reproduce and distribute his or her work. It should be noted, however, that performances of sound recordings are not protected, although the recording itself is. Congress has also provided for statutory protection. Federal registration of a copyright, while not mandatory, is in most cases a prerequisite to any suit today. Generally, a copyright lasts for the author's lifetime plus fifty years. Rights are transferable, if in writing.

"What constitutes a copyright infringment?", you may ask. Answer: any unauthorized copying of the artist's work. Of course legal theory floats high above the world of practical reality. In most cases, the artist tries to prove infringement by showing that the alleged infringer had "access" to the work, and that the two works have "substantial similarity." This shifts the burden of proving independent creation to the alleged infringer. There is also the defense of "fair use," which is usually asserted.

How does this work in action? Let us do like lawyers do and review an actual case: MCA v. Wilson. The work infringed: "The Boogie Woogie Bugle Boy (from Company B)"; the infringing piece "Cunnilingus Champion of Company C." The second piece appears in the stage production "Let my people come." The issue of "access" and substantial similarity" were not in question on the appeal. The issue was the fair use defense. The fair use defense allows for the use of another's work for the purposes of parody, burlesque, and satire. The defendants here claimed that "Cunnilingus Champion" was a burlesque of the music of the 1940's. The argument was that the song "deals with the humorous practice of cunnilingus" and the artist was trying to portray the act as such by using the plaintiff's song — immediately identifiable as something happy and joyous. The court did not so agree. The court held that the song was neither parody nor burlesque, and therefore not protected by fair use. Of course, the court may have revealed a slight degree of legal realism when they stated "We are not prepared to hold that a commercial composer can plagiarize a competitor's copyrighted song, substitute dirty lyrics of his own ... and then escape liability ... "

Notice that there was not one engineer involved in that entire case. Intellectual property involves art, science, business, and many other aspects of society. This has been a very general look at one small aspect of the field. Hopefully, however, it has shed some light into the shadows of misperception concerning this area of law. If anyone is interested in knowing more about the subject, feel free to contact the Intellectual Property Society.



## VULS Tax Clinic

The Villanova University School of Law has a Federal Income Tax Clinic. Students in the clinic will assist taxpayers who are having problems with the Internal Revenue Service either on audit, on an appeal from an audit or in Tax Court. In addition, the clinic will help taxpayers who have not filed returns in past years and who wish to take advantage of the new policy at the IRS to bring non-filers back into the system.

Each student is supervised by a full-time professor at the School of Law. There is no charge or fee for any consultation with or for representation by the clinic. For more information, call the clinic at (215) 645-4123. If an answering machine is reached, the caller should spell his or her name and state his or her telephone number clearly, and indicate the best time for a student to return the call.

## IIE Fellowships

The Institute of International Education (IIE) announces a new deadline for the 1993-94 competition for the Professional Development Fellowships.

Fellowships are available to Bulgaria, Croetia, Czechoslovakia, Hungary, Poland, Romania, Slovenia, or the Baltic States. Funded by the Soviet-Eastern European Research and Training Act of 1983 (Title VIII), the program is intended to support young specialists in the fields of business and economics, law, journalism, public administration and international relations. Fellows will travel to a country to deepen their understanding of current reforms and becomefamiliar with the scholarly resources in their fields. IIE will assist with all necessary affiliations at host country institutions.

The competition is open to U.S. citizens currently enrolled in graduate or professional school with at lest two years of training or to recent graduates of those schools. Applicants will be required to submit a detailed proposal of the study or research they wish to pursue and demonstrate how the project will be of benefit to their future plans and professional careers.

Fellowships are available for periods of three to seven months. Financial benefits include round-trip international transportation, a monthly living stipend, health insurance, and an allowance for books and travel within the host country.

Finalists will be invited to IIE headquarters in New York for an interview in March, 1993.

The deadline for receipt of applications is February 1, 1993.

For further information, brochures and application forms, contact: Professional Development Fellowships, U.S. Student Programs, IIE, 809 United Nationals Plaza, New York, NY 10017, (212) 984-5326 or 5330.

## Presidential Management Intern Program

These are post-graduate internships with federal government agencies in which interns rotate through various government agencies. There are approximately 400 internship positions available nationwide and, in the past, many have resulted in full-time federal employment for program participants. Historically law graduates have been under-represented in this program which is also geared for people with Public Policy graduate degrees. As a result, the competition may not be as steep for law graduates. Applications are in the CSC and additional information is available through the OPM regional office: (215) 597-4431.

# ORGANIZATIONS

## SELS Sponsors Negotiation Forum

**by Mary Locke**

On Thursday, November 5, the Sports and Entertainment Law Society sponsored a forum to discuss issues involved in negotiating sports and media contracts. Panel guests included sports agents Rick Curran and Rex Gary, Esq. and WPVI Channel 6 sports anchor Gary Papa. The forum was moderated by Dean Garbarino.

Rick Curran was introduced to the business of sports representation with hockey players in Canada. After working in large firms, Curran formed a company with noted sports agent Allen Eagleton. Most recently Curran moved his business to Philadelphia where he continues to represent approximately forty clients in the surrounding hockey markets. Curran is most noted for his representation of Eric Lindros in the Flyers' deal as well as another Flyer, Mark Recchi. Curran emphasized that hockey is in a positive transitional phase with the new director of the Players Association.

Rex Gary began his career in sports representation after working in the office of the Delaware County District Attorney's Office for four years. After being asked by a friend to help represent baseball players in salary arbitration, Gary eventually became executive Vice-President of a Sports Management Group. Gary has represented baseball players Ryne Sandberg and Mickey Morandini. Although he believes in the unique strength of the Baseball Players Association, Gary spoke of the possible "lock-out" by league owners next year if the contract with the Players Association is re-opened.

Gary Papa, a graduate of the University of Buffalo School of Law, spoke of the media's role in player negotiations. Often owners as well as agents use the press to gain leverage in contract negotiations. By portraying either side in a positive or negative light, the press often influences the outcome of these negotiations. Papa cited the Bobby Bonilla and Gary Carter cases as illustrations of this influence. Papa also explained that WPVI does not allow its broadcast talent to have agents. Rather, the station deals directly with its employees.

The panelists discussed possible conflicts of interest involved in representing players affiliated with the same team. Curran said that at one time his firm had represented nineteen of twenty-four players for the Toronto Maple Leafs. However, Curran explained that hockey negotiations, which deal in multi-year contracts, do not present the same conflicts as do contracts in other professional sports. Often, hockey agents may drive each deal with the previous deal or "piggy-back" the deals. Both Curran and Rex Gary agreed that the key was to avoid making the contracts renewable during the same period. More importantly, the agent should advise the player-client of possible conflicts.

The discussion focused on the evolution of professional sports as a business and the subsequent developments in player negotiations. Each panelist spoke of the need to monitor these changes as well as to encourage more change in the industry to give the player more leverage against the owners. Salary caps, as they exist in the NBA, have been suggested as a solution to the financial woes of baseball. Rex Gary agreed that this may be a partial solution, but he added that caps could not be implemented without other changes. All agreed that developments like full disclosure in contract negotiations and revenue sharing among league owners have been positive for the players in other professional sports.

The role of the television contract in player-team negotiations was also discussed. Papa noted that if CBS cannot find the money to pay for baseball when the CBS/ESPN deal expires after the 1993 season, the owners could use this lack of revenue as leverage against the players. Rex Gary suggested that, instead of a few teams taking the majority of the revenue, teams should share in television deals to help struggling clubs meet their financial obligations. Gary suggested that revenue sharing of TV revenues would not only help the individual player but also secure the financial future of the team.

The business of professional sports often conflicts with the interests of the fan. The panelist concluded that giving the player more bargaining power would provide the fan with a better game. Moreover, the role of the agent in protecting the interests of the client extends beyond the game. Providing for a player's future beyond the game is the essential element in player representation. Securing the player's interests during the player's career, according to the panel, would provide security for his future.

## Forum on ABA Abortion Stance

**Forum addresses ABA Role as Abortion Rights Advocate**

**by Wendy Sengstack**

For those who were wondering, open debate on tough issues is still alive at Villanova Law School!

On November 10th, the Catholic Law Students Association sponsored its 1992 Fall Forum, entitled "Neutrality versus Advocacy: Should the ABA Speak for Its Membership on Abortion?" Professor William Valente, who has lectured on church-state relations and who was awarded the papal honor of Knight of the Order of St. Gregory in 1982, moderated the forum.

The first speaker was Arline Jolles Lotman, who defended the American Bar Association's current position advocating abortion rights legislation. Ms. Lotman is a practicing attorney in Philadelphia for municipal finance, transactional law and litigation. She is the first woman attorney ever to represent the Philadelphia Bar Association in the ABA's House of Delegates. In this capacity, she voted in favor of a resolution supporting abortion rights at the San Francisco convention in August.

Opposing the ABA's current position was Gerard St. John, a partner with Schnader, Harrison, Segal & Lewis. Mr. St. John is chairman of the St. Thomas More Society's Respect Life Committee, an association of Catholic lawyers striving to further the ideals of St. Thomas More within the legal community. In 1990, when a similar resolution was before the ABA, Mr. St. John successfully worked to have the ABA adopt a policy of neutrality towards abortion rights. He resigned from the ABA one week after the House of Delegates voted to adopt an advocacy stance in August.

The controversy centers around the ABA's adoption of Resolution 110, which states:

"BE IT RESOLVED, that the American Bar Association opposes state or federal legislation which restricts the right of a woman to choose to terminate a pregnancy (i) before fetal viability; or (ii) thereafter, if such termination is necessary to protect the life or health of the woman.

"BE IT FURTHER RESOLVED, that the American Bar Association supports state and federal legislation which protects the right of a woman to choose to terminate a pregnancy (i) before fetal viability; or (ii) thereafter, if such termination is necessary to protect the life or health of the woman."

Many members believe that, as a professional organization, the ABA should not take an official position on such a deeply felt and divisive issue. Some members, including Mr. St. John, have resigned because their conscience does not permit them to belong to an organization that endorses abortion. Those who support the resolution do not want the ABA to make the mistake of staying neutral on a crucial issue, claiming that the ABA's involvement will bring "some constitutional knowledge and sanity" to the abortion debate.

## NAFTA Symposium

On Tuesday, October 27, 1992, at 8 p.m., in the Cafeteria Commons of the Villanova Law School, the International Law Society and the Latin American Law Students Association hosted a symposium on the North American Free Trade Agreement (NAFTA). The symposium was followed by a comment and question period and a wine and cheese reception.

**Criminal Law Society symposium panelists — October 1992.**

Participants in the symposium included three panelists and a moderator. The panelists were Daniel M. Price, now in private practice in Washington, D.C. and formerly Deputy Legal Counsel, Office of the General Counsel, United States Trade Representative, and lead U.S. negotiator on NAFTA; Manuel Suarez-Mier, Minister for Economic Affairs, Embassy of Mexico; and Mark A. Anderson, Director, Task Force on Trade, AFL-CIO. Professor John F. Murphy, Director of the International Studies Program at the Villanova Law School, served as moderator.

Both the symposium and the wine and cheese reception were free and open to the public.

## The Mystery of Shabbat

**by the Jewish Law Students Association**

A long time ago in a small village in Eastern Europe there lived an older Jewish couple. Every Friday night, Sarah would light the Sabbath candles and place them in the window to help her husband, Avram, find his way home from shul (synagogue). Each Friday, the couple would begin their Shabbat dinner with a bowl of chicken soup.

Far away from the village in the capitol the Royal family was preparing to journey to their winter palace. The king followed the rest of the household after winding up the affairs in the capitol.

Just after dark while traveling through the countryside the king's carriage hit a rut in the road breaking the wheel. The king got out of the carriage and began to walk toward the town so he might rest at an inn while the wheel was repaired. While walking the king noticed a light shining from the window of a cottage off the road. The king went up to the cottage and knocked on the door. After Sarah recovered from the shock, she invited the king in and offered to share the Sabbath meal with him. After Avram came home from shul they all sat down to eat. As usual Sarah began the meal with chicken soup. The king was unable to believe how delicious Sarah's soup tasted. Never in his life had he eaten such delicious soup, and he asked Sarah for the recipe.

Upon arrival at the winter palace, the king gave the recipe to the chef and asked for the soup to be made for dinner. Unfortunately, the soup the chef served at dinner was nowhere near as good as the soup made by Sarah. The chef tried everything to duplicate Sarah's recipe. The chef even sent a messenger to ask Sarah if she had left out an ingredient, to no avail. After many failures the king decided that on his return to the capitol he would stop again at Avram and Sarah's home.

As luck would have it, the king arrived at the cottage just as the couple sat down to their Sabbath dinner. The king once again joined them for the Sabbath meal. After tasting his soup the king became furious and insisted that Sarah had been deliberately concealing important ingredients since his cook was unable to duplicate the recipe. The king demanded that Sarah reveal the secret ingredient or risk punishment. Sarah considered her recipe for a moment and replied, "your Majesty, the ingredient your cook is missing, the one that makes my soup taste so exceptional tonight, is that my soup was made to celebrate the Sabbath."

# ORGANIZATIONS

## St. Mary's Offers Dining Alternative

**by Andrew E. Fischer, Maneesh S. Garg and Mark S. Reed**

On November 2, St. Mary's Dining Services and Phi Delta Phi presented a dinner reception for representatives of the Law School organizations. The dinner introduced the Law School community to St. Mary's Dining facilities. The attending representatives enjoyed the food and delightful atmosphere.

Saint Mary's Dining Services is located on the first floor of St. Mary's (home of the Red Mass reception). It is mostly frequented by residents of St. Mary's dorm, though the dining facilities are open to any Villanova student, faculty, or staff member. There was substantial space for dining though for best seating the management recommends arriving near opening or closing times.

Entering the dining hall, one could not help but notice the "country club" atmosphere. The hall has recently been renovated and all the furniture is aesthetically pleasing and comfortable. The silverware was arranged in a very convenient manner so that the various utensils were easily discernable and accessible. Saint Mary's trays were strangely shaped as hexagons and their large size almost made the need for seconds obsolete.

Saint Mary's Assistant Chef, Larry McHugh, has 18 years of professional cooking experience, seven of which were at St. Mary's. Most of the meals are made from scratch. The menu is designed by nutritionist Carol Fagan, M.S., R.D. and is approved by a Menu Committee. It runs on a six-week cycle. According to Assistant Chef McHugh, St. Mary's is "the best place to eat on campus."

The dinner consisted of soup, three entrees, four vegetable dishes, breads, fresh fruits, desserts, an assortment of beverages and a killer salad bar. The soup was a delicious Turkey Creole. It consisted of chunks of white turkey meat and a plethora of garden vegetables such as celery, onion, lima beans, tomato and sweet peppers. The soup was further enlivened by a multitude of colored peppers with just the right amount of bite.

The three entrees were Open Faced Roast Beef Sandwich, Turkey Tetrazini and a Triple Cheese Quiche for vegetarians. The roast beef was served in generous portions on a slice of white or wheat bread smothered in a rich beef gravy. The tetrazini consisted of large cubes of white turkey breast bathed in a creamy butter sauce with ample mushrooms and pasta. Unlike most commercially prepared quiche which tends to taste nuked, this quiche was impressively tasty and fresh. The three cheeses were distinctly identifiable, yet subtly blended to perfection.

There was a variety of vegetables to choose from to satisfy the vegetarian as well as the omnivore. The California Blend Vegetables, sweet peas and mashed potatoes complimented the main dishes well. Although the rice and tomato casserole was surprisingly bland, this could be remedied with a quick trip to the well stocked spice rack.

Several desserts were offered for both the self-indulgent and health conscious. So much ice cream — you would have thought they commandered the neighborhood Jack and Jill ice cream truck. The 'make-your-own' strawberry shortcake suited any individual preference. For those who chose not to prefer, ripe bananas, apples, and oranges were available in ample supply.

The salad bar had so many choices it was hard to decide where to begin. Besides the more typical salad bar selections such as lettuce and cucumbers, there were such rarities as whole eggs and chocolate chips. Six dressings were featured including French, Thousand Island, and Lite Ranch. The salad bar also featured several varieties of Yoplait yogurt.

Saint Mary's Dining Services accepts both cash and the Wildcard. Using the Wildcard gives the patron a discount. They are also looking into having a Wildcard representative come to the Law School to offer the Wildcard. Saint Mary's is an all you can eat dining facility, but no food or beverages are permitted to leave the dining hall. You can bring books in to read but don't forget to leave your bags at the door.

Attendees' responses varied but all were positive. Mike Green, the Honor Board Representative, said that St. Mary's was a "whole lotta food." Chris Pepe of the S.B.A. remarked that St. Mary's was "convenient." Mike Tarringer of the Family Law Society concluded that St. Mary's was "well worth the trip." Marilou Taylor of the Women's Law Caucus said, "I would definitely recommend it to others."

Saint Mary's hours are: Breakfast: 7:30 a.m.- 9 a.m. (Monday-Saturday); Brunch: 10:45 a.m.-1 p.m. (Sunday only); Lunch: 11 a.m.-1 p.m. (Monday-Saturday); Dinner: 4:30 p.m.-6:30 p.m. (Monday-Friday); Dinner: 4:30 p.m.-6 p.m. (Saturday-Sunday).

## Federalists in a Liberal Land

**by Scott Donnini Mark Blount and the Federalists**

Good morning, ladies and gentlemen. We are Americans and as such we are by nature, relative to most of the rest of the world, liberal. We believe in freedom. We believe in individual rights. We believe in tolerance of each other's religions, cultures, and customs. We are all the greater of a nation for our liberalism. And we believe, above all, in democracy. We are the masters of our own destiny — we control our own fates. Nobody tells us how to live and we decide for ourselves how our society is to function. There is nothing more liberal than that. We abhor the notion of tyranny and are repulsed at the idea of submission to a dictator — dictator meaning someone who dictates their will upon us. WE ARE INDIVIDUALS! Yet often it is those among us who claim to be the most individual, the most liberal, who are willing to be told what is right, to have dictated to them, and for them, what their rights are — to have decided for them BY SOMEONE BEYOND THEIR CONTROL what is best for them.

Were such wrought upon me, I would shout, and do now shout, to such a dictator HOW DARE YOU? This is MY country, I want to take part in this decision! But, the above mentioned "liberal individuals" would say, this dictator is nice to me and is forcing its will upon me but I like it. Yes, I would answer. But couldn't a first king who smites your enemy be succeeded by a second who'd rather slit YOUR throat? And as a long-time supporter of the monarchy, could you complain and still keep any semblance of intellectual and theoretical integrity? I think not.

We must make a choice, a choice about our future. Do we want eight men and a woman, whose average age is closely approaching the age of mandatory retirement in our work force, to be "the final arbiter of our social values?" I do not know about you but I would not want someone my grandfather's age telling me what the social values of our society are. Shouldn't that decision best be left in the hands of those public officials who we face every 2-6 years in the election? If we do not like them or their ideas we get rid of them. Why should we let the branch which is most isolated from the social values and opinions that you and I hold tell us what society's values are? The first line of the Text of the Constitution reads "**All** legislative Powers herein granted **shall** be vested in a Congress of the United States ... " Why don't we keep that power where it belongs!!!

(*** Several of the ideas and phrases of the final paragraph were drawn from a lecture given by Buzz Schuman to Professor Dobbyn's seminar, Constitutional Rights of Criminal Defendants, on November 5, 1992. Buzz, a former VLS grad, is presently an adjunct professor of philosophy at Villanova University and a professor of business ethics at LaSalle University Graduate School of Business.)

## Countdown to Spring Break

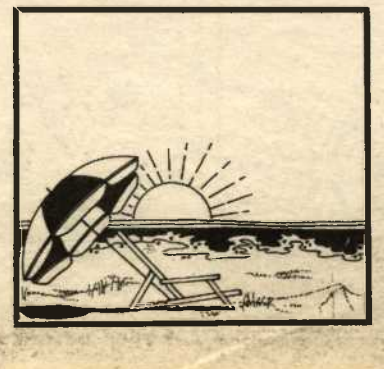
DAYTONA BEACH, Fla. — It may not even be time for Christmas Break yet, but it is time to start planning for Spring Break 1993.

Daytona Beach, Florida, is still the premier destination of Spring Break. From mid-February through mid-April, thousands of students from throughout the United States and Canada will travel to Daytona Beach. Spring Break has drawn crowds as large as 200,000-400,000, and 1993 should be just as busy.

Some of the events and activities in the planning stages for 1993:

* Much Music, Canadian music television, broadcasts and concerts
* 10th Annual Miss Hawaiian Tropic International Pageant
* Volleyball, softball, 3-on-3 basketball tournaments
* Molson's Obstacle Course
* Entertainment, including the College Music Showcase Rock Concert
* Product expos, games and giveaways
* Annual "Largest Class" Picture on the beach
* 25th Annual Easter Beach Run
* And of course, plenty of SUN!!!

For more information on accommodations, contact tour representatives on campus or DESTINATION DAYTONA!, the Convention and Visitor's Bureau for Daytona Beach, 1-800-854-1234.



## Phi Delta Phi Announces . . .

**Food Drive For The Homeless**

For the past several years, Villanova students, faculty, and staff have helped to feed the needy. This year, we will be collecting canned and dry food in several locations throughout the law school during the weeks of November 9th-13th and November 16th-20th. We will also be collecting monetary donations from 10:30 a.m. to 2:30 p.m in the cafeteria during the same week.

**Where Does The Money Go?**

Money donations will be given to ACTS and the food donations will be given to Philabundance to distribute to area shelters. ACTS is a shelter based in West Philadelphia for homeless women and their children. Many of the shelter's occupants are victims of spousal abuse. Through the Homeless Advocacy Program (HAP), many VLS students have helped residents at ACTS with legal problems. Philabundance is a public service organization that distributes food to area shelters such as ACTS.

**How Can I Help?**

You can contribute cans and boxes of food by placing them in boxes in two locations: The Cafeteria and the Vending Room. If you are unable to give your monetary donation to a representative during their scheduled times, you can place your contribution, if in check form, in an envelope and drop it off at the Phi Delta Phi office.

**How Much Should I Contribute?**

We ask you to contribute around five dollars, although any amount is appreciated. You could not imagine how much a small amount can do for one who is really in need.

**Toy Drive For The Children/ Make A Child Happy**

In the past, Villanova students, faculty, and staff have helped provide toys for the children of need. This year, we will be collecting toys or gifts during the week of November 30th to December 3rd. We realize that students will be coming off of Thanksgiving Holiday and are deeply involved in their exam preparation. We just ask if you are fortunate enough to have time over the holiday to go shopping that you remember to add a child in need to your list if possible. We all remember how excited we were as kids to wake up and open all our presents. Unfortunately, every child does not have that opportunity to do the same. If you are unable to afford the time to go shopping and would still like to contribute, we will be collecting monetary donations from 10 a.m. to 2 p.m. in the cafeteria during the same week.

**Where Do The Toys or Gifts Go?**

To a wonderful boy or girl who deserves the opportunity to take part in the Holiday celebration in one of the following organizations or affiliations: ACTS, United Way, or St. Christopher's Church. ACTS is a shelter based in West Philadelphia for homeless women and their children. Through the Homeless Advocacy Program (HAP), many VLS students have helped residents at ACTS with legal problems. United Way will distribute the toys or gifts to boys and girls through their First Sign of Help program. St. Christopher's Church will also distribute toys and gifts to children in area shelters and/or needy children in their congregation. If any would like to give a gift to a homeless man or woman, we would gladly welcome it. Please indicate on the gift whether it is for a boy or girl by placing a B or G on gift. If it is for a man or a woman, please place a M or W on the gift.

**Who's New At The Law School**

Throughout the history of the law school, there has not been a yearly magazine in honor of the incoming first-year students. We feel that this type of publication can provide a lot of useful information to the students of this school. This publication can also benefit our organization in many ways, including exposure to the first-year class, a method of fundraising, and a means of obtaining discounts from area businesses for Phi Delta Phi members.

Though we are open to suggestions, we project that this publication will contain some valuable information for all students. First, because the class will probably be between 200 to 250 students, we will be able to provide a photograph and a small profile on each student wishing to participate. As the law school gets more and more competitive, we need more and more programs which maintain the high level of camaraderie found at this school. "Who's New" will have common backgrounds, thus helping to maintain such camaraderie.

Second, we can seek out area business to advertise in the publication. These businesses could include restaurants, dry cleaning, copying centers, etc. From this information, incoming students will have more of an understanding of the different businesses in the area that suit their needs. Therefore, this aspect of the problem of adjusting to law school will be diminished to some extent.

"Who's New" will also help our organization in many ways. First-year students will see how prominent and active our organization is in the law school, even before they come to the school. Also, they will realize that our organization is designed to suit the needs of a law student. From the advertising in "Who's New" we may be able to raise funds for our organization which can be used for a host of other activities next year. This advertising may also lead to discounts with area businesses limited to Phi Delta Phi members.

This publication is only in its conceptual stage and will require some input and commitment from our members in order to be successful. However, the earlier we start on it, the easier it will be to publish. At this time, we are not asking you to commit to this project, but are asking for your ideas and input.

# Villanova Dining Services

*We Would Like To Thank*

*The Law School*

*Legal Fraternities*

*and*

*Organization Leaders*

*Who Joined Us For Dinner*

*on November 2, 1992.*

*We Look Forward*

*To Serving You In The Future.*

*Join Us*

*for*

*Breakfast, Lunch and Dinner (Monday through Saturday)*

*Brunch and Dinner (Sunday)*

| CASH PRICES | | WILDCARD PRICES | |
|---|---|---|---|
| Breakfast: | $4.25 | Breakfast: | $3.50 |
| Lunch: | $4.75 | Lunch: | $4.00 |
| Dinner: | $7.50 | Dinner: | $6.75 |
| Brunch: | $4.75 | Brunch: | $4.00 |

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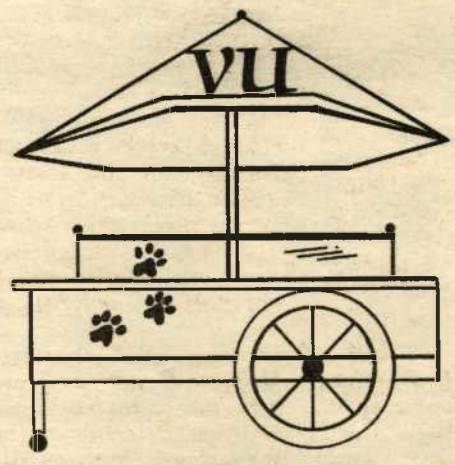


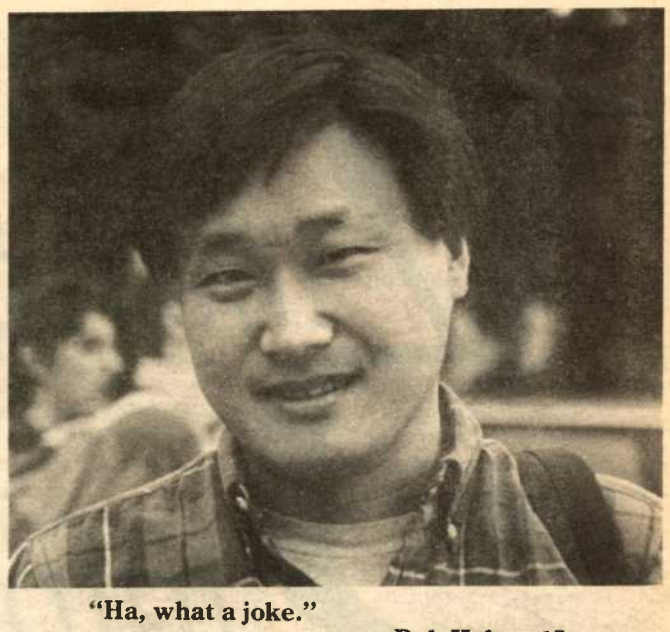

NACUFS

THE NATIONAL ASSOCIATION OF COLLEGE & UNIVERSITY FOOD SERVICES

# ROVING REPORTER

"The exam was pretty impractical as far as knowing names of books. A more practical approach would have been to send us into the library with a graded assignment due within a certain time."

— Ellen Pitrowski, 1L



"Ha, what a joke."

— Rob Hahm, 1L

# The Roving Reporter Asks . . .

"Hope I passed."

— Tina Bell, 1L

"I think the exam shold focus more on our ability to actually locate the material — more like the worksheets we did for class."

— Kelly Thomann, 1L

"I think it was made out to be much more difficult than it actually was."

— Lisa Evans, 1L

"I'm glad I didn't study for it."

— Sharon Sulimowicz, 1L

"I think we should have a practical exam like our home-work assignments rather than a written exam."

— Steven Brancato, 1L

# ROVING REPORTER

## "What would you change about VULS?"

"I would like to see the University be more responsive to student needs."
— Suzy Gibson, 3L

"Students should lighten the hell up and stop being so friggin' cut-throat."
— Bruce Rose, 3L

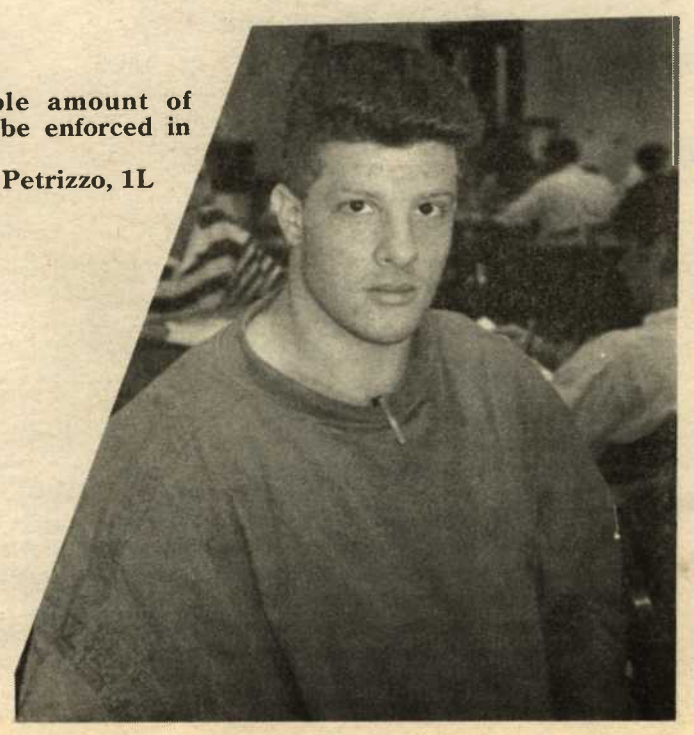
"Require Public Service for all students as do Penn and other Ivy League schools."
— Vienna Broadbelt, 1L

"I would change the grade curve and the Garey High gossip line."
— Kelly Ayotte, 3L

"Even more actively recruit and admit minorities."
— April Byrd, 1L

"I would like to see a change in the school's philosophy towards a loan forgiveness program and more emphasis on public interest career options."
— Danielle J. Khoriarty, 3L

"A reasonable amount of quiet should be enforced in the library."
— Michael Petrizzo, 1L



# ROVING REPORTER

# "What would change about VULS?"

"I would like to see more technical courses introduced in the form of clinics. Villanova is too theoretical and the real world isn't!"
— Grace Smith, 2L

"I would change the tuition because this education is not worth the outrageous price we have to pay to go here."
— Liz Duffy, 3L

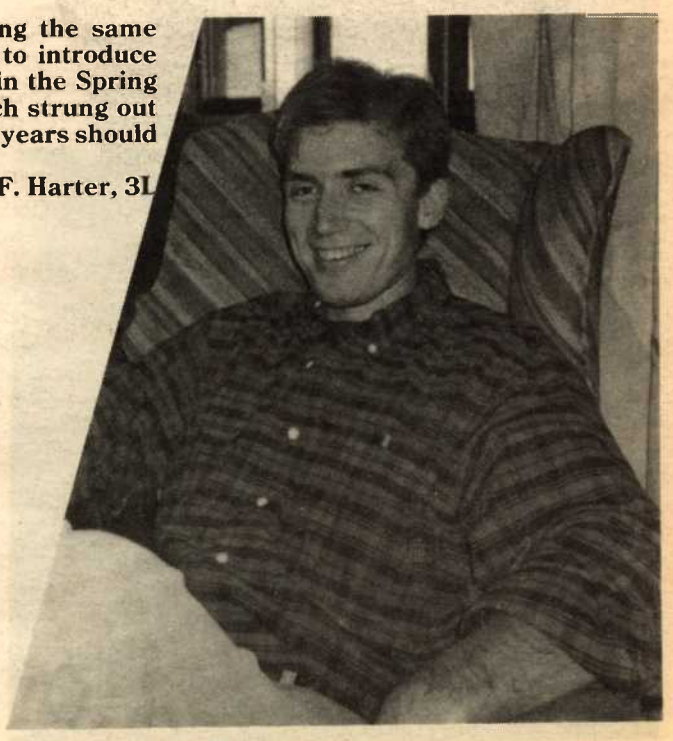
"Open the damn bridge."
— Maneesh Garg, 2L
"Give more space to the Registrar's Office."
— Maureen Spaide, Staff

"More space ... I would make the building larger with more office space for organizations, a book store, more study rooms, and more space for the library reserve room."
— Shawn Fleming Carver, 3L

"I would change the median G.P.A. to be similar to other law schools so that we can compete in the national job market, not just this region of the country."
— Nicole R. Pollard, 2L

"I would change the smoking policy. I think that the entire building should be smoke-free."
— Lynda Powell, 2L

"The first year curriculum is too rigid — having the same classes all year long may not be the best way to introduce a student to law. Perhaps offering one elective in the Spring could be the solution. Also, having legal research strung out over the first semester should be changed — first years should be given an orientation program."
— Peter F. Harter, 3L



"Change the $75 parking fee."
— Tracy Peterson, 2L

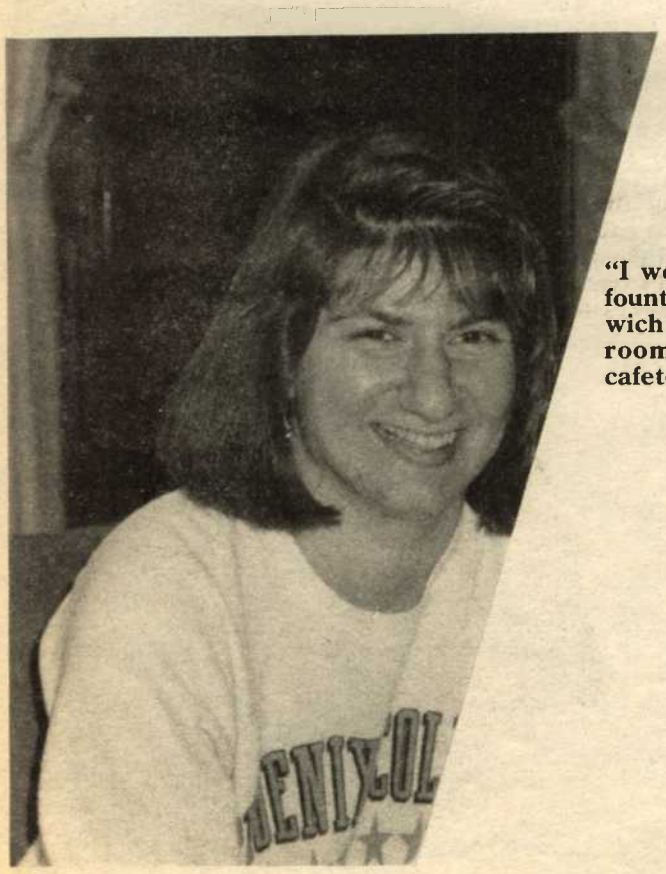
# ROVING REPORTER

"More TG's on Fridays!"
— Ruth Pientack, 1L

"I would change the way the mailbox numbers are changed every year ... just fill in the first years into those of the graduating students. It's too confusing the way it is!"
— Joanne Salimbeno, 3L

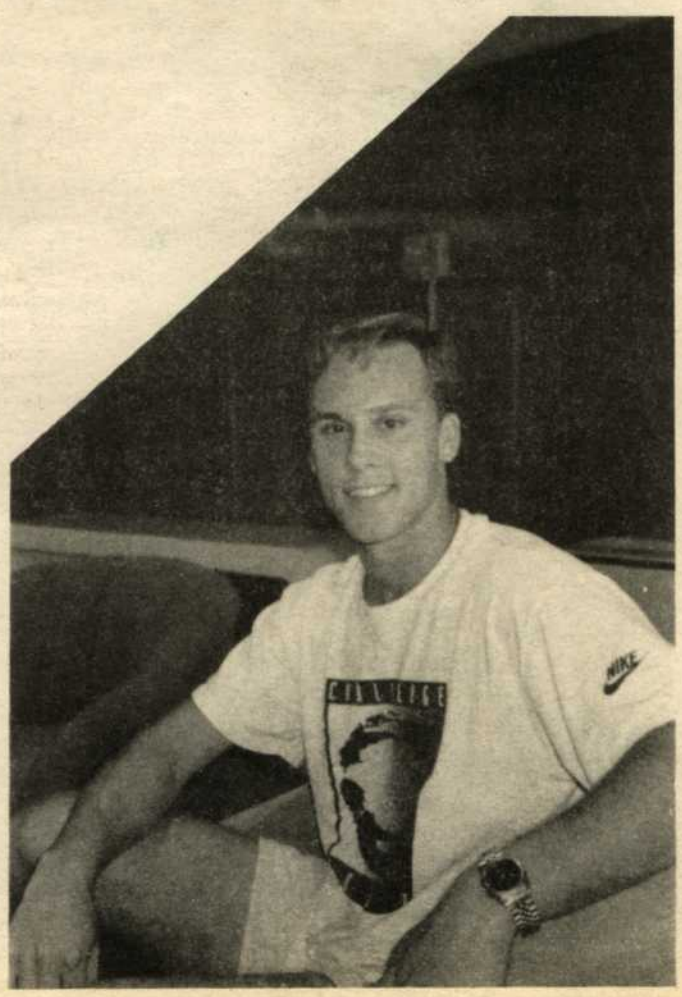
"The Food Lines!"
— Jackie Pasquarella, 2L

"I would change the school's population to include a more diverse population economically, geographically, and culturally."
— Linda A. Medley, 2L



"I would like to see a water fountain in the library, a sandwich machine in the vending room, and a smoke-free cafeteria."
— Nicole Perefege, 3L

"I'm a simple guy. I have simple requests ... a wider variety of, and more affordable, food in a smoke-free cafeteria would make me smile."
— Robert Campbell, 3L



# MOOT COURT

**CONGRATULATIONS** TO THE FOLLOWING TEAMS FOR ADVANCING TO THE **QUARTER-FINAL ROUND** OF THE REIMEL MOOT COURT COMPETITION:

BIRLE/KING

BEATTY/KIRK

HARTER/COZINE

DIFEBBO/GREEN

WIENER/CONNORS

AYOTTE/BRYANT

WHITTEAKER/CORNELIUS

POLSKY/O'CONNOR

# MOOT COURT

**CONGRATULATIONS**

**TO**

**University of San Diego National Criminal Procedure Moot Court Competition**

**QUARTERFINALISTS**

Team Members
Gwen Dell
Cheryl Sattin

**John Marshall Information and Privacy Law Moot Court Competition**

**QUARTERFINALISTS**

Team Members
Angeline Chen
Ellen Glickman
Michelle MacDonald

**BEST ORALIST**
Michelle MacDonald

**43rd Annual ABA Appellate Advocacy National Moot Court Competition**

**REGIONAL CHAMPIONS**
[Team advances to NYC for Nationals in January 1993]

Team Members
Madeleine Caprioli
Danielle DiNenna

# Homeless Advocacy Project

Philadelphia VIP, the Philadelphia Bar Association's Committee on the Problems of the Homeless and the Young Lawyers Section of the Philadelphia Bar Association are pleased to announce the creation of the Homeless Advocacy Project.

Since its rebirth in 1986, Philadelphia Volunteers for the Indigent Program (VIP) has provided over two million dollars worth of free legal services to Philadelphia's poverty population. Sponsored by both the Philadelphia Bar Association and Community Legal Services, Inc. (CLS), Philadelphia VIP is the pro bono program for clients with civil cases in the Philadelphia legal community.

Yet VIP, though clearly as good as any pro bono program across the country, has been unable to provide meaningful legal services to the homeless in Philadelphia. Volunteers have expressed reluctance to assist the homeless for the following reasons:

1. Difficulty in maintaining communications with client;
2. Difficulty in frequently confronting complex and often multiple legal problems;
3. Difficulty in addressing accompanying social problems; and
4. Reluctance to have clients consult in their offices.

The Philadelphia Bar Association's Committee of the Problems of the Homeless (Committee), which has been in existence since 1984, has long standing relationships with various shelter providers and homeless advocates in the City. Members of the Committee have been very active in monitoring the City's compliance with consent decrees in cases involving services for the homeless, and in monitoring legislation affecting the homeless. In the past, members of the Committee have provided legal services to homeless people. These services, however, have been on a limited basis due to some of the problems outlined above.

The Young Lawyers Section of the Philadelphia Bar Association (YLS), with a membership of over 5,000 attorneys, has been called the conscience of the Bar. With a long and proven history of pro bono commitment and a recognized strength in mobilizing volunteer attorneys, YLS has successfully launched several volunteer programs in the legal community, including the now independent Support Center for Child Advocates and the Legal Clinic for the Disabled.

After consultation with local homeless advocates both within and outside the legal community, conferring with the American Bar Association Homeless Project, and studying other homeless advocacy projects, we believe that we have put together a structure and a system to address and resolve the above concerns.

The Homeless Advocacy Project's goals are to:

1. Provide direct legal services to homeless individuals through volunteer attorneys, paralegals and law students;
2. Refer homeless clients to other needed social services including health care, substance abuse treatment, housing, employment, education, and job training;
3. Advocate on behalf of the needs of homeless clients, which include additional substance abuse treatment centers and increased funding of Single Room Occupancy units and other low-cost housing; and
4. Provide technical/legal assistance to create and encourage better low-income housing options.

First, we believe that with staff devoted solely to the Homeless Advocacy Project, the communications problem can be resolved. Though by definition homeless clients cannot easily be reached by telephone or letter, they can and will "check in" with support staff to receive messages and instructions from volunteer attorneys — and to leave messages as well. Homeless clients, perhaps more than most indigent clients, are fearful and mistrustful of volunteer attorneys. A staff person acting as a go-between can facilitate communications.

Second, we have assembled resources in the forms of training sessions (also available on videotape), a Legal Advocate Manual, and a list of attorneys willing to act as "consultants" or "mentors" in their respective areas of expertise. We also put together detailed questionnaires which will facilitate "issue-spotting" for our volunteers.

Third, the Homeless Advocacy Project staff is available to assist in social service problems. The staff has information — or knows who to call for information — about relevant social services. The Homeless Resource Manual also provides such information for volunteers and clients.

Fourth, the Homeless Advocacy Project can offer interviewing space at our offices in addition to the regularly-scheduled legal clinics at shelters and soup kitchens. Should volunteers prefer to meet clients here rather than at their own offices or the legal clinics, they may do so.

The Homeless Advocacy Project will work closely with staff in selected shelters, and with other homeless advocacy groups. While it is our belief that no other group (with the exception of the Penn Legal Assistance Clinic, with which we already coordinate services) is offering to provide legal services, we will be careful to insure that there is no duplication of efforts.

By providing comprehensive technical assistance in the forms of both staff and materials, we believe we can recruit and maintain volunteers to assist the homeless. Our malpractice policy will, of course, cover these volunteers. A key concern for any volunteer is the ability to do the job, which rests at least in part on the available back-up and support available. By providing the very best support possible, our volunteers will know they are **not** alone.

Many homeless clients are entitled to income which has either not been identified or has been denied. Public assistance, such as Social Security, veterans benefits or workers' compensation, is often arbitrarily denied, but can be successfully obtained on appeal with the assistance of a legal advocate. Some clients may, unbeknownst to themselves, be entitled to pensions. For these clients, assistance of volunteer counsel can pave the way to obtaining income and housing.

At the same time that we are providing direct legal services to homeless clients, we also plan to designate a special team of attorneys dedicated to the task of researching new sources of funding for low-income housing. A variety of groups in Philadelphia are currently seeking ways to obtain both public (city, state and federal) and private funds for badly needed low-income housing. Volunteer attorneys could assist in that task, and lend their skills to coordinate and advocate such proposals. This is a different, yet likewise significant, benefit that could have a positive impact on the homeless in our city.

By simultaneously providing services and working on increasing low-income housing, we believe we can promote self sufficiency. For some, we may even begin to break the cycle of poverty and homelessness.

# L & I Secretary Issues Call For Safer Workplaces

HERSHEY (Oct. 6) — Labor and Industry Secretary Tom Foley today urged business and labor leaders to renew their efforts to make workplaces safer.

"Prevention is the safest and cheapest cure for injuries in the workplace, and the vast majority of workers and businesses understand that," Foley said. "Even so, last year in Pennsylvania there were more than 300,000 workplace injuries, almost half resulting in the loss of at least one shift of work."

Foley spoke at the opening of the 1992 Governor's Occupational Safety and Health Conference. More than 400 business and labor leaders are attending the conference, which runs through Wednesday.

"Practicing workplace safety — preventing accidents from happening in the first place — is the best way to control the high costs of workers' compensation and health care," Foley said.

"Workers can suffer debilitating injuries that can cost them their jobs and sometimes their lives. Businesses lose productivity and profits," Foley said.

A key component of Gov. Robert P. Casey's workers' compensation reform plan requires that worksites with 26 or more employees establish safety committees.

In Oregon, where companies with 10 or more employees must have safety committees, insurance rates have dropped by more than 10 percent annually for three years, according to a recent *Wall Street Journal* report.

Foley said Pennsylvania already has several worker-management safety programs that have lowered workers' compensation costs, slashed the number of days lost to injuries, increased productivity and boosted morale.

"Keeping workers healthy and on the job is necessary to keep Pennsylvania employers competitive in a tough marketplace," Foley said.

Along with emphasizing workplace safety, Gov. Casey's proposal would contain workers' compensation insurance costs by providing for competitive rate filing, controlling medical costs, and permitting pooling of coverage for small businesses and local governments.

Topics discussed at the conference included the Americans with Disabilities Act, AIDS, drug testing, labor-management cooperation, Pennsylvania's Right-to-Know Law on hazardous substances and occupational safety and health regulations.

# Reform Could Still Save Workers' Comp. Costs

HARRISBURG (Oct. 21) — Labor and Industry Secretary Tom Foley today urged the Senate Republican leadership to take swift legislative action on workers' compensation reform that could significantly reduce a 24 percent rate increase announced today.

"It's not too late. In spite of the fact that the Senate Republican leadership has not called members to session for more than 30 minutes since July, Pennsylvania's employers can still be spared much of the burden of the rate increase," Foley said.

"The Senate leadership has 35 days to get the job done before new rates go into effect December 1."

Earlier today, state Insurance Commissioner Cynthia Maleski issued a ruling granting a 24 percent increase in premium rates, effective December 1, to insurance companies providing workers' compensation coverage in Pennsylvania. Last year, the organization representing these insurance companies had sought an increase of almost 52 percent.

"The increase requested a year ago by the insurance industry was at least twice as much as they could justify, and today's ruling means that insurance companies will take $800 million less out of the pockets of Pennsylvania business than they wanted," Foley said.

"But enactment of Gov. Casey's reform plan or the bill passed two weeks ago by the House of Representatives would have eliminated any increase in rates our employers have to pay."

Foley said that even the enactment of one aspect of the reform plan, capping medical costs, would have reduced dramatically the costs for businesses in the state.

Foley said that today's ruling means that employers will have to pay an average of about 24 percent more for insurance coverage, an increase of about $700 million. While that increase is less than the increase sought by the insurance cartel, Foley said, it is still too much and it didn't have to be.

Workers' compensation reform proposals that would cap medical costs, permit competition among insurance companies in setting rates, and provide discounts to employers who establish programs to reduce accidents and injuries and improve workplace safety, could reduce the cost to employers enough to negate the rate increase.

Foley said that these three components alone, had they been on the books, would have resulted in substantial savings to employers.

He added that, had Gov. Casey's plan or a similar proposal been enacted, employers could have saved even more, taking into account the results of allowing smaller businesses and local governments to "pool" for self-insurance at lower rates.

# Cedar Point Recycles

While the main goal of the more that 3,500 employees at Cedar Point is to entertain its guests, another important goal is also being accomplished behind-the-scenes. The Sandusky, Ohio, amusement park-resort has taken its concern for the environment and turned it into a companywide recycling program.

Cedar Point started recycling in the mid-1970s — long before the social concern for the environment was spotlighted. Since then, the park's efforts have grown considerably. A three-point plan helped the park develop its eco-awareness program. "The first stop was educating ourselves," said Jack Baus, manager of park services. "We then acted upon what we learned, addressed specific concerns and sought solutions.

"We recycle, reuse and reduce," added Baus. "Cedar Point continues to learn from year to year and is always working on ways to conserve. It really does add up."

Cedar Point's green movement adds up to big numbers. During the 1992 season, 80 tons of cardboard, 26,740 pounds of glass and more than 23,000 pounds of metal cans were recycled. Paper has also become a successful recyclable material at Cedar Point. Each department has its own designated container for recyclable paper products. In 1992 alone, more than 18 tons of paper were recycled — this saved approximately 206 trees, 126,000 gallons of water and 73,800 kilowatt-hours (enough to power an average-size home for nine years).

Profits from Cedar Point's aluminum can recycling program result in a donation to the Burned Children Program of Northwest Ohio. "Containers are placed in employee break areas, dorms, lounges and offices," said Baus. The marina and most of the park's picnic shelters also have special bins for aluminum cans. This year, nearly 1.5 tons of aluminum cans were collected and recycled.

"Our recycling program has grown considerably since we began it almost 20 years ago," said Baus. "We are always looking for different methods and measures to take."

There's more to Cedar Point's environmental program than just recycling. Several materials are also reused. For example, old employee uniforms are donated to Goodwill Industries, while cloth napkins and tablecoths are reused as rags.

Some of the more unusual materials that the park recycles include concrete, oil and grass. Last year, old concrete from Cedar Point's midway was used for rock work at Challenge Golf, the park's new miniature golf course. "Sections of our midway were being replaced and we simply broke the concrete into small pieces, stacked it into piles and added liquid concrete to make bigger boulders that were sculpted into the right shapes," said Baus. "It worked out very well for us.

Other things are working out too. The park's maintenance department has installed an oil heater in one of its garages and is using recycled motor oil to heat the work area. "This is efficient heat and saves us natural gas," said Baus. The landscapers in the maintenance division are also doing their part by reusing grass clippings for mulch.

# NEWS

## LSAS Introduces Electron Loan Applications

DAYTON, OHIO, October 6, 1992 — Law School Admission Services (LSAS) and Mead Data Central, Inc. recently began the test phase of the new Law Access® Electronic Loan Application System. The system, which allows law students to apply for education loans electronically, was developed by LSAS and is available exclusively through the LEXIS®/NEXIS® computer terminal at a law school.

Nine law schools are participating in the test — five in Washington, D.C. and four in Ohio. The D.C. schools are American University, Catholic University of America, Georgetown University, George Washington University, and Howard University. The Ohio schools are Ohio Northern University, University of Cincinnati, University of Akron, and University of Dayton.

Following the test phase, the system will be made available to all law schools which are members of the Law School Admission Council (LSAC). Nationwide implementation of the system is scheduled to begin in November 1992.

Students seeking financial assistance for their law school education are able to gain access to the new electronic application processing system through the LEXIS 2000 terminals located in law school libraries and other selected sites. The system allows students to apply for the following three types of loans: Federal Stafford, Federal Supplemental Loans for Students (SLS), and the privately insured Law Access Loan (LAL).

LEXIS is the world's leading full-text computer-assisted legal research service. Mead Data Central, Inc. is a wholly owned subsidiary of the Mead Corporation, a leader in forest products and electronic publishing. Both companies have headquarters in Dayton, Ohio.

Law School Admission Services, located in Newtown, Pennsylvania, is the operating arm of the Law School Admission Council, a non-profit, membership organization of 190 law schools in the U.S. and Canada. LSAS and the council offer a number of services to law schools, applicants, and students and are perhaps best known for development and administration of the Law School Admission Test (LSAT). The LSAT is required by all law schools approved by the American Bar Association (ABA) and is taken by about 125,000 prospective law students each year. The LSAC-sponsored Law Access loan program is the largest single source of non-government, insured student loans in the country.

## Maritime Lawyer Healy Honored

New York University School of Law today announced that it has established a new lecture in maritime law to honor Nicholas J. Healy, an adjunct faculty member at the School for almost 40 years and a partner in the New York law firm of Healy & Baillie, according to John E. Sexton, dean of the law school.

**The inaugural Nicholas J. Healy Lecture will be presented by Judge John R. Brown on Thursday, November 5, at 5 p.m. in Tishman Auditorium at the School of Law, 40 Washington Square South.** The lecture topic will be "Admiralty Judges: Flotsam on the Sea of Maritime Law?" The speaker is Senior Judge of the United States Court of Appeals — Fifth Circuit, headquartered at Houston, Texas. He is also a longtime friend of Healy.

The lecture, which will be held every two years, has been established through contributions from friends, former students, law partners, and clients who wanted to honor Healy for his distinguished career. The **Journal of Maritime Law and Commerce** has referred to Healy as "the finest Admiralty Lawyer in the United States and probably the world."

"A lecture series such as this is the most appropriate way to honor Nicholas J. Healy for his distinguished career, spanning more than 50 years, in the practice of law, and his remarkable influence as a teacher and as author and co-author of leading textbooks and scholarly articles on maritime law subjects," said Sexton.

John D. Kimball, a partner in Healy & Baillie who helped create the lecture series, added this tribute: "No one has done more than Nick Healy to promote Admiralty law."

At age 82, Healy is one of the longest practicing maritime lawyers in the nation. He is a graduate of Holy Cross College and Harvard Law School. In 1948, he joined a predecessor to the firm in which he later became a name partner.

In 1947, Healy joined the faculty of NYU School of Law as an adjunct professor. He taught Admiralty law there until 1986 and continues to be a guest lecturer in Admiralty courses. Healy is the author and editor of numerous scholarly works. His **Cases and Materials on Admiralty** is considered one of the leading casebooks on maritime law. He is author of the "Admiralty and Shipping" chapter in the **Annual Survey of American Law** for most years from 1949 to 1987. From 1980 to 1990, Healy also served as editor of the **Journal of Maritime Law and Commerce.**

In addition to his practice of law and scholarly pursuits, Healy has served as president of the Maritime Law Association of the United States and as vice president of the Comite Maritime International. He is a member of several other professional organizations. Healy lives in Garden City, Long Island.

Judge John R. Brown, who will present the inaugural lecture, is a leading jurist in Admiralty law. Following graduation from the University of Michigan Law School, Brown joined the Houston law firm of Royston and Rayzor, where he later became senior active partner specializing in admiralty, maritime and transportation matters. In 1947, he served as a member of the prosecution working committee of the Texas City Disaster.

In 1955, Brown was appointed by President Eisenhower as Circuit Judge of the U.S. Court of Appeals for the Fifth Circuit, then comprising six southeastern states and the Canal Zone. In 1967, he became Chief Judge and served until his mandatory retirement in 1979. Brown has lectured and taught at law schools throughout the United States and has authored numerous scholarly works.

## Employer Urged to Push for Workers' Comp

HARRISBURG — Labor and Industry Secretary Tom Foley today urged prompt action on workers' compensation reform, saying that enactment of medical costs caps alone would cut a recently-announced premium rate hike from 24 percent to 10 percent.

"Employers have heard a lot of rhetoric and detail in the debate over workers' compensation reform, but at the end of the day they're only concerned about whether the job gets done," Foley told employers at a seminar sponsored by the regional Employer Advisory Council.

"The bottom line is that the House of Representatives passed a new bill incorporating compromise language, while the Senate refused to meet for more than 30 minutes since July 1."

"It's getting late, but there's still time to act," Foley said.

Foley said enactment of Gov. Casey's reform plan or House Bill 2 sent to the Senate by the House three weeks ago would virtually eliminate any increase in rates our employers have to pay.

Last week, acting state Insurance Commissioner Cynthia Maleski issued a ruling granting a 24 percent increase inpremium rates, effective Dec. 1, to insurance companies providing workers' compensation coverage in Pennsylvania.

In September 1991, the Pennsylvania Compensation Rating Bureau, a trade organization representing the insurance companies, filed for a 52 percent increase.

"The rate increase sought by the insurance lobby was at least twice as much as they could justify, and would have placed an overwhelming $1.5 billion burden on state employers," Foley said.

"The 24 percent rate increase granted by the insurance commissioner means insurance companies will take $800 million less from the pockets of Pennsylvania business than the insurance lobby wanted."

Foley said that full implementation of Gov. Casey's reform plan ofa similar compromise could still save Pennsylvania businesses some, if not all, of the additional $700 million.

The governor's proposal provides for capping medical costs, permitting competition among insurance companies in setting rates, and offering discounts to employers who establish programs to reduce accidents and injuries and improve workplace safety.

## 500 Years of Hispanic Heritage

HARRISBURG (Oct. 7) — The Department of Labor and Industry's annual celebration of Hispanic Heritage Month this year commemorated "500 Years of Hispanic Heritage" with a ceremony today that featured art, entertainment, crafts and food representing a variety of cultural backgrounds from the Caribbean, Central and South America and Spain.

The celebration, held in the lobby of the Labor and Industry building in Harrisburg, included a program of Latin American music and folk dances from Mexico, Puerto Rico and Venezuela.

Labor and Industry Secretary Tom Foley opened the ceremony and Lilian Escobar-Haskins, director of the Governor's Advisory Commission on Latino Affairs, read the proclamation from Gov. Robert P. Casey, which designated Sept. 15 to Oct. 15 "Hispanic Heritage Month" in Pennsylvania.

The featured speaker was Sol B. Vazquez Otero, equity program coordinator of the State System of Higher Education.

Highlights of the program included performances by Dante Sobrevilla, a Mexican guitarist who sang traditional Latin American songs; Bajacu, a dance troupe from Millersville University's Pennsylvania Migrant Education program, performing Puerto Rican folk dances; El Grupo Cultural, from the York Spanish American Center demonstrating folklore dances from Venezuela and Lupe Feeser, demonstrating Mexican dances.

The event was organized by Maritza Robert, coordinator of the department's Latino Affairs Committee, (717) 787-2516.

* For Spanish language interviews or other information, please contact Ms. Robert.

NEWS

# Women in Law

**by Pamela McLaughlin**

In the last two decades, women have made tremendous strides towards equality in the legal profession. Over 40% of today's law school graduates are women compared to under 3% in the Sixties. Women now account for 37% of associates in law firms. We now have a woman who serves on the U.S. Supreme Court — and in the state of Minnesota, four of the seven Justices of the Supreme Court are women. This progress is especially heartening in light of the fact that just over 100 years ago, women could be prevented from practicing law. In fact, in 1872, the U.S. Supreme Court held in *Bradwell v. U.S.*, that the state of Illinois could prohibit women from practicing law. Justice Joseph Bradley, concurring the "natural" differences between the sexes as the reason Myra Bradwell could not be admitted to the Illinois bar. He declared, "Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life."

A few years later, in 1875, the Wisconsin Supreme Court told Lavina Goodell that she would not be admitted to the bar. The Chief Justice stated that the practice of law was unfit for the female character. To expose women to the "brutal, repulsive and obscene" events of the courtroom would "shock man's reverence for womanhood and relax the public's sense of decency." Even that 19th century champion of the underdog, Clarence Darrow would not come to the defense of women in the law. Speaking before some female attorneys, he remarked "You can't be shining lights at the bar because you are too kind. You can never be corporation lawyers because you are not cold-blooded. You have not a high grade of intellect. I doubt you can ever make a living." Needless to say law schools back then did not rush to admit female students. For example, Yale Law School did admit a female student in 1886 — but after her graduation a male-only policy was adopted which remained in effect until 1918. Columbia Law School admitted its first woman student in 1928 and Harvard Law School finally admitted its first woman student in 1950! Upon graduation, women attorneys found job prospects grim.

Near the top of her class at Stanford Law School, Sandra Day O'Connor could only find work as a legal secretary. A first year law student at Harvard in 1957 received job counseling advice to attend secretarial school concurrently with her law studies so that she might qualify as an administrative assistant to a law firm partner. Women who did make it into firms found themselves as "lady lawyers" limited to the areas of domestic relations and trusts and estates.

While these tales from yesteryear are thankfully behind us, women lawyers still have a long road to travel before they have the same opportunities and advantages which men enjoy in the legal profession. Glass ceilings, "mommy tracks" and modernized stereotypes about women attorneys are real threats to further advancement. And while women now attend law school in record numbers, we are still vastly under-represented in the upper echelons of law firms and the corridors of power. For instance, in the New York state courts, out of 1,168 judges only 179 — approximately 15% — are women, with most women judges sitting on lower courts. While the argument is made that women are too "new" in the law to warrant being placed in judgeships, the Woman's Bar Association of the State of New York has over 1,500 members who have been in practice over the ten years necessary to serve on the bench. Credentialed women attorneys who would serve as judges are not in short supply. Nationwide, the statistics speak for themselves. Women represent only 7.4% of all judges, 25% of U.S. Attorneys, 14% of state prosecutors, 18% of state legislators, and 6% of U.S. congresspersons. Within the private sector, too, women still face an uphill battle. According to a recent National Law Journal survey, only 11% of partners in the nation's largest law firms are women — with New York City, Houston and Cleveland firms trailing firms in other cities in the percentage of female partners. According to an earlier NLJ survey of 3,000 woman attorneys in private firms, woman lawyers said they had fewer chances for top job assignments, litigation experience and promotion, that they were underrepresented in firm management, had fewer opportunities to be "mentored" and had more difficulty generating business. Four out of ten women surveyed said that associates who take a normal amount of maternity leave face slowed or stopped partnership paths. While flex-time programs are increasingly available in firms, fully 90% of respondents indicated that opting for flex-time negated or curtailed their chance for partnership. 60% of the survey's respondents had experienced unwanted sexual attention of some kind. Subtler forms of discrimination are also at work, according to a 1990 report by the Illinois State Task Force on Gender Bias in the Courts. Inappropriate remarks by judges and male attorneys about the dress and appearance of female attorneys is still prevalent in the courtroom. Women in the Task Force survey reported being addressed as "little girl" and "honey" by judges in court and indicated that they thought they were interrupted or ignored by judges more frequently than their male counterparts. Male attorneys, according to those surveyed, also tend to ignore the presence of female attorneys in hallways, speaking directly to each other or the judge instead. Respondents who complained were told that they were "oversensitive" or "too thin-skinned." Modernized stereotypes, usually termed "gender differences" also threaten to undermine women reaching their fullest individual potential in law. Beliefs that women attorneys choose mediation over litigation, that they prefer public service over all-out competition for career advancement, or that they like to problem-solve more than taking hard-line positions isolate women attorneys from their male counterparts, and emphasize differences which may not be true. Fortunately, the future for women in the law looks brighter each year. Tremendous progress has taken place in the last decade, and a growing awareness of the problems women attorneys now encounter means that corrective steps can be taken — or pushed for. What's important is that attorneys who are women face these remaining challenges with the same fortitude as those early trailblazers for woman's rights in the legal profession — assuring ourselves and future generations a proudly equal profession.

# UCLA Implements Loan Forgiveness Program

*[Reprinted from The Docket, UCLA School of Law 9192]*

**by Lisa Payne, 3L**

A third year law student at UCLA is offered a job organizing tenants and fighting slumlords in Los Angeles County for a legal services organization. Although she has spent her summers doing this kind of work and has developed relationships with many of the tenants, she thinks she will probably have to turn down the opportunity. The problem? The annual salary is $20,000 and she has $40,000, or $6615 a year, in student loans to repay.

While this predicament may have been possible through last year, those days appear to be coming to an end. After the UCLAW student loan forgiveness program is implemented, this graduate's annual loan payments would be no more than $800.

Scenarios such as this have inspired students for the past five years to donate hours towards establishing a loan forgiveness program at UCLAW. This fall, with significant seed money in an account and a Dean-appointed committee to work on program development, there is growing certainty among the law school community that by the time the class of 1993 graduates, UCLAW will join most other top twenty law schools in having a program which can make public interest careers possible for graduates.

Much of the current student energy at UCLAW is a result of a student committee from last year headed by Dady Blake (3L). The 1991-92 Student Loan Assistant Program Committee, fondly known by Dady as the "SLAP" committee, surveyed over half the students at the school to document the need for a loan forgiveness program. Over 45% of the respondents expressed an interest in working for either a nonprofit or government agency. Almost three-fifths (57.9%) of them, however, indicated that they were deferring their entry into the public sector, the majority (59.1%) of these because of a need to repay student loans. Almost two-thirds of the respondents (64.7%) said that loans were an important factor in their career selection, with 19.8% indicating that it was a determinative factor.

At the end of the year, the SLAP committee also profiled five members of the class of 1992 who were seriously considering careers (many had job offers) in the public sector but thought that their education debt would force them to do something more lucrative. Dady said that for these students, "the program would mean the difference between doing public interest work on a non-luxurious lifestyle and not being able to do it at all."

A donation from a UCLAW alumnus last year made it possible to think about implementing a program by this spring. In 1990, Stewart Resnick, class of 1962, proposed a challenge grant whereby he would match all funds for public interest work raised from students over the next two years. In 1990-91, PILF's Student Funded Fellowship Drive raised a little over $30,000, one-half of Mr. Resnick's matching funds went to fund PILF fellowships while the remaining $15,400 went towards loan repayment. This past year the organization raised about $40,000.

To augment this seed money, Dean Prager's fall mailing to alumnae will have "public interest programs" as a category for which they can earmark any gift they give. This is the first time that the annual solicitation has allowed for alumnae to restrict their gifts, and "public interest programs" will be one of five restricted-gift categories. Although Dean Prager says this strategy is an "experiment" and is not sure how much money it will generate, she expects to use much of the money donated to "public interest programs" for loan assistance.

Dean Prager also hopes to use some of the proceeds from the David Simon Estate towards starting this program. Mr. Simon, a UCLAW alumnus from the class of 1955, left a portion of his estate to UCLA, 75% of which is to go to the law school. Dean Prager thinks that the law school can rely on some of the income from this estate to run the loan forgiveness program for a number of years until the program is completely funded through other sources. Ideally, Dean Prager would like to create an endowment for loan forgiveness, ensuring permanent support.

Although the Dean will approach donors this year about giving to the loan forgiveness program, she is committed to starting the program even if more money is not raised. "I'd like to have the program up and running by the end of this year," she said in a recent interview, acknowledging that "it may mean having to phase it in and only help the people with the lowest salaries this year and then broaden the qualifying criteria as more money comes in."

In order to meet this goal, Dean Prager has appointed a "Dean's Special Task Force" whose primary goals are 1) to update the proposal which the SLAP committee presented to the administration last year (a revised version of proposals which former students had put together); 2) to survey the strengths and weaknesses of programs at other universities in more depth than students alone have been able to do because of administrative reluctance by the other institutions to share such information, and 3) to have an operational set of program documents by this spring. Chaired by Professor Alison Anderson, the committee is made up of Professors Gary Blasi and William Klein, SLAP committee students Dady Blake and Marc Rivlin (3L), and alumnus Patrick Dunlevy, class of 1992.

"There's a lot of hard work to be done," insists the Dean, "to think through how to design a project that's fairly constructed." In setting up the committee, Dean Prager tried to include both people with long-standing commitment to the public interest sector as well as some with expertise in financial projections. Already, Professor Klein has reworked the eligibility formula to use the money more effectively. The committee will present a range of possibilities for programs, depending on the amount of funds available. Ideally, the committee hopes to be able to raise the current $30,000 ceiling for a qualifying salary, provide assistance for people who take government jobs, provide retroactive assistance to qualifying graduates of the past five years in recognition of the work students in those classes did towards establishing a program, and index salary ceilings accorlding to estimated costs of living in different cities.

SLAP committee member Jeff Galvin (3L), however, cautions against taking too long designing the program: "I'm afraid we'll spend the year planning and planning instead of having a plan by January 1st and an operational program by the end of the year." While he recognizes the need for the proposal to be well-considered, he fears "we run the risk of letting another year go by without a program."

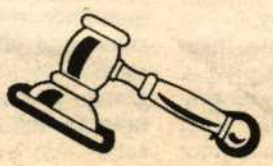
The SLAP committee will spend this year increasing public awareness about the program and educating students about applying for it. Students are also needed to help with identifying donors for their individual needs for loan assistance known to the administration. In addition, Dady hopes that "students will realize they can give restricted gifts to the school and as alumnae will consider earmarking donations for the loan forgiveness program."

Most law school loan forgiveness programs help student graduates who go into qualifying employment by lending them the money to pay off their student loans at a very low interest rate. In order to qualify for such a loan, a graduate must usually be employed in a public interest or government job which does not pay above a certain yearly salary amount, often around $35,000. Students work off these loans by remaining in such employment for a certain number of years. For example, a graduate who works for three years in qualifying employment might have 25% of her loan forgiven: one who works for four years might have 50% of her loan forgiven: and one who works for six years would not have to pay anything back on her loan at all.

The UCLAW faculty approved the idea of having a loan forgiveness program a few years ago, and the importance of the program is widely acknowledged. "With the poverty level approaching 10% and inexpensive legal consultations running $100 an hour, you know there are incredible numbers of people who cannot afford assistance with their legal matters," observes SLAP committee member Patty Amador (2L). "The loan forgiveness program makes it possible for more attorneys to meet this growing need without becoming part of the 10% themselves."

Dady, who does not expect to use any loan assistance herself, was "shocked" when she went to her first PILF meeting and heard that UCLAW had no program. She decided to chair the SLAP committee because she "felt the school needed the program if it was really going to be committed to public interest."

Dean Prager has voiced similar views. "It seems to me particularly important for a public law school to provide a loan forgiveness program as one of the elements in assisting graduates to realize their goals or pursuing full time work in the public interest. It's rather anomalous that many other schools have been able to implement such programs before we have. That's particularly troublesome because we have the sense that more of our students may be committed to these kinds of careers than students at other schools."



# NEWS

## Fewer Women & Minorities in '95 Class

**by Glennis Gill**

Getting into Harvard Law School is an ordeal for most, a life's ambition for some, and an honor for all. The five hundred and fifty-eight 1Ls who have just entered the Law School were selected by the Admissions Committee from 6500 applicants.

Although the number of applications was quite large, there were actually about one thousand fewer than last year. Joyce Curll, Dean of Admissions, speculates that "part of the reason for the decrease is that the numbers of applications were artifically up over the past two to three years ... I think it bears some relationship to the score scale on the LSAT."

She explains that the previous scale resulted in lots of "48s," and this may have made people assume they could get into the Law School. Now that the test has been calibrated better, with a scale ranging from 120-160, fewer students get a "perfect" score and thus a smaller number apply whose only chance for admission rests on their LSAT score. Curll points out that the Committee looks at many variables, and that meant that only about one-third of the "48s" who applied were admitted.

One noticeable feature of the entering class is that only 38% are women, down from previous years. Curll explains that "the reason that there are fewer women isn't clear, but it is a phenomenon that seems to have taken place with many schools with which we compare notes." Columbia's entering class this year is only 36% women, Cornell 34%.

Of this year's applicants, only 39% were women, and, symmetrically, women comprise 39% of the students admitted, a statistic which Curll says is coincidental. For example, last year 40% of the applicants were women and 42% of the admitted students were women.

Curll has her own theory on the decrease in the number of women. She believes that "the economy has played more of a role in women's undervaluing their potential for being admitted ... women may be more likely to think that the cost/benefit of law school is much less favorable."

Like the percentage of women, the percentage of students identifying themselves as belonging to a minority group also decreased. Last year's entering class was 27% minorities, this year it's down to 25%. Of these 1Ls, 12.2% are African-American, 7.3% are Asian-American, and, 5% are Latino or Native American.

The all important Admissions Committee is comprised of Curll, Sally Donahue, Todd Morton, Professors David Westfall, Charles Nesson and David Herwitz.

The Dean selects the Faculty who serve on the Committee and the three faculty listed are expected to remain on the Committee this year. When asked whether last year's campus events influenced the selection criteria, Curll pointed out that the Committee remained unchanged and added "I don't have a sense that the Committee deals with liberal/conservative issues."

In explaining how the process works, Curll noted that when an application comes into HLS, either she, Donahue or Morton reads it. If an applicant shows promise for admission, the application is then circulated to a faculty member for further review. Last year, about two thousand advanced to faculty consideration, although all but about a thousand were reasonable candidates for admission. A portion of the class is admitted with just Curll and the one faculty reader "being sure this is a wonderful person." Others are read by more faculty.

Curll adds that "all applications get a full and fair reading ... nobody gets admitted or denied without at least two people reading their application."

One difficulty in the process is that admissions are rolling. Curll points out that "keeping the same standard of consideration over several months really reqires me and Todd Morton to monitor the shape of the class and to watch that we're making decisions consistently throughout the year."

While the class reflects diversity in the number of schools and geographic regions represented, Harvard College has by far the largest contingent, with 79 out of 558. Yale comes in next with 46, Stanford sends 26, and Princeton 24, Brown, Berkeley, the University of Michigan, and the University of Pennsylvania each have 19, and there are 13 from Williams. The 1Ls come from a total of 146 colleges, and from 46 states, Puerto Rico, D.C, and 13 foreign countries.

## Law Schools Around The Nation

*The following are stories selected and edited from law school papers across the nation. This section will feature developing trends and issues at other schools, legal trivia and quotes just worth quoting.*

**Hot Topics**

**• Controversy at Harvard.**

The Coalition for Civil Rights (CCR) filed suit in 1990 with the Supreme Court of Massachusetts, alleging discrimination with Harvard Law School's hiring process. Based on violations of the State's anti-discrimination law, the lawsuit was dismissed in July 1992 for lack of standing by the student plaintiffs. After the administration offered tenure to four white men, students took matters into their own hands and staged a number of protests. Nine students who had engaged in a peaceful protest outside the Dean's office were prosecuted in April 1992 by the Administrative Board, marking the first public hearing of its kind held at Harvard Law School.

The controversy elicited immense response from both faculty and students. Professor Derrick Bell extended his leave of absence, refusing to return until a woman of color was appointed to the faculty. Eight student organizations called for the resignation of the Dean, stating that he had "lost control of the school" and was "no longer an effective leader." Protests were also held at the University and the Law School commencement ceremonies.

— *Harvard Law Record,* 9/18/92. Separate articles by Todd Hartman and Glennis Gill.

**• Pro-choice groups at Georgetown.**

Georgetown University Law Center's Dean's office refused to print a description of the Women's Legal Alliance (WLA) in the University Bulletin because the organization submitted a description revealing its pro-choice activity. The University's policy prohibits funded student organizations from participating in pro-choice activity.

WLA decided to rewrite the description rather than jeopardize the rganization's funding, which would have affected other activities planned by the organization. However, WLA contends that the University supports other activities contrary to Catholic doctrine, and the policy imposed on WLA infringes upon their rights of freedom of speech and association. WLA is organizing a protest in opposition to the University's policy.

— *The Georgetown Law Weekly, 9/21/92.* Article by Karen Bower.

**Law School Tidbits**

**• Comparing tuitions at D.C. area law schools.**

As full-time law students at American, we pay $16,650 per annum, while part-time students pay $617 per credit hour. A full-time student at Georgetown pays $17,800 per annum, and part-timers pay $610 per credit hour. At George Washington University, a full-time student pays $17,650 per annum, while the cost is $630 per credit hour for part-time students. After a 15% jump in tuition at Catholic University for the 1991-92 academic year and an 8% increase for the 1992-93 academic year, the tuition has reached $16,848 for full-time students and $605 per credit hour for part-time students.

— *Judicial Notice,* Catholic University School of Law, 9/14/92. Article by Anne Witney.

**• Honoring Gorbachey.**

At a banquet held on behalf of the Cardozo School of Law, the former President of the (former) Soviet Union, Michail S. Gorbachev, received the first Benjamin N. Cardozo Democracy Award.

— *The Cardozo Law Forum,* 8/24/92.

**• Dershowitz and Farrow.**

Since Mia Farrow and Woody Allen separated, Farrow has engaged Harvard Law professor Alan Dershowitz as her legal consultant and advisor. Allen sued for custody of their natural child and two of the adopted children of whom he and Farrow share guardianship. Farrow alleges that he sexually abused their younger daughter. Although Dershowitz will continue to advise Farrow, he believes that "settlement is in everyone's best interest."

— *Harvard Law Record,* 9/18/92. Article by Lisa Zornberg.

**• UCLAW's loan forgiveness program.**

The UCLA School of Law is in the process of implementing a loan forgiveness program to assist students who are interested in low-paying public interest jobs, but cannot afford them because of their outstanding student loan debts. In order to qualify, a student must take a public interest or government position, where the salary does not exceed a certain amount, usually $35,000. Students work off their loans by remaining at the job. The longer they work in the qualified employment, the larger the percentage of the loan that is forgiven. The program planners hope that the program will benefit 1993 graduates.

— *The Docket,* UCLA School of Law, 9/92. Article by Lisa Payne.

**Quotes worth Quoting**

• "Catering is the key." John Soboeiro '93, Harvard Law School, explaining the deciding factor in determining which law firm receptions to attend.

— *The Harvard Law Record,* 9/25/92.

• "Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life." Justice Joseph Braley, writing a concurring opinion in an 1872 case explaining why a woman should not be permitted to practice law.

— *The Cardozo Law Forum,* 8/24/92. Article by Pamela McLaughlin.

• "Question Everything. Think for yourself. It makes this whole process a lot more interesting when you're not just a refuse bin five professors get to throw garbage into. Take in the garbage but recycle it and make it into something useful. Otherwise all that is going to come out is garbage. And someone else's garbage at that. How disgusting." A Villanova Law student's advice to a first-year.

— *Villanova Docket,* 8/92. Article by Scott Donnini. □

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SPORTS

# Rugby Club Ends Season

The Law School Rugby Club finished its fall season with a blowout home field victory over Temple Law. The win was a fitting end to a dominating 6-1 semester. The Team opened with two home victories: against the Villanova undergrads and Temple Med. The one loss came the following week in a squeaker to Penn Law, undoubtably the ugliest team in the contiguous United States. The Team redeemed itself the next week by beating P.C.O.M. in an unconventional three-period game. The Team was unstoppable after that, skunking Jeff Med 27-0 and Wharton 29-0. The Team went into its last game a little overconfident and allowed Temple Law to score an early unconverted try. It responded with 29 unanswered points, ruling the field far beyond what the score reflects.

An influx of solid first-years seemed to make the difference. As indicated by the terrific B-side games, this is a talented squad. The current third-years have been used to being in complete control since they were first-years. Back then, seven guys would show up for practice and run around avoiding intramural softball games. Today, we field two sides for every game, and tend win both matches. The only drawback to such quality growth is that selection decisions have become incredibly difficult. There are so many high quality players that some who should play have to wait for the next game.

The Rugby Club continued its growth off the field as well. It sponsored another blood drive, the first one having been held tc support the troops in the Gulf War. Last year, we held a boathouse party to raise money for our own Olympic rower, Mark Berkner. This year, after thrashing Wharton, we boasted a Halloween party that was easily the best social event of the semester. The turnout was wonderful, not just in numbers of people, but in the quality of costumes. Congratulations to Madonna for winning the contest's first prize, a lifetime supply of Honey Nut Wheaties. The Club ended the semester's event calendar by jointly sponsoring with the Women's Law caucus the second annual "Miscommunication between the Sexes" seminar. The event was nothing if not controversial.

The future is bright for this team. The third-years will step down from their offices in January, but still get to play the Spring season for the strongest squad in institutional memory. The Club will be left in able hands to carry out the objectives and purpose of the organization as expressly stated in Article II of the Club's Constitution:

> To promote scholarship, charity, sportsmanship, a sense of unity and an appreciation and respect for the dignity of humankind, within and beyond the borders of the campus. To ensure that the playing of the game of rugby is carried out observing fair play according to the laws of the game and a sporting spirit.

Villanova Ruggers Thrash Temple Law.

# Heeeeere's Johnny!

**by John Lago**

Hoops fans, another NBA seasonis here. You know what that means? Exciting NBA action? Unbelievable 360 degree slams? No, just more lame picks from your favorite Docket sports editor (that's me, in case you just tuned in). So, away we go ...

ATLANTIC DIVISION

1. New York Knicks — Just call them New Addition. Patrick Ewing actually has outside help this year, with Rolando Blackman, John Starks, and rookie Hubert Davis. Gone are Xavier McDaniel and awful Gerald Wilkins. Charles Smith and Tony Campbell will contribute as well. They're loaded.

2. Boston Celtics — Gone is Larry Bird, and any championship hopes. They still have studs like Reggie Lewis, Xavier McDaniel, and Dee Brown. Kevin McHale and Robert Parish are older than Moses.

3. New Jersey Nets — Yes, really. With new coach Chuck Daly, superstar-to-be Derrick Coleman should settle down. Kenny Anderson will lead this team this year, and if Chris Morris and Drazen Petrovic have solid seasons, teams will hate coming to Jersey. They're no longer the Nots.

4. Miami Heat — Harold Miner along with Steve Smith, Glen Rice and Rony Seikaly? Wow, not bad at all. They should make the playoffs again.

5. Philadelphia 76ers — Sans Sir Charles, the Sixers suck. They have no go-to guy. Jeff Hornacek is solid, and Hersey Hawkins is too, but is there anyone else? Look for empty seats in the Spectrum. Many.

6. Orlando Magic — Make a mistake, Shaquille O'Neal IS the team. Oh sure, Dennis Scott is a good shooter, and Scott Skiles can play, but as Shaq goes, so go the Magic.

7. Washington Bullets — Just ugly. Pervis Ellison is a good center, and tiny Michael Adams can score from across the Atlantic, but the rest? Don't say you haven't been warned.

CENTRAL DIVISION

1. Chicago Bulls — Still the best in the conference. Michael can do it all and he usually does. Scottie Pippen and Horace Grant play defense like hawks, and do their share. But can the Bulls rely on old Bill Cartwright for another year? Do the Bulls want it bad enough to 3-peat? We'll see.

2. Cleveland Cavaliers — Mark Price, Brad Daugherty, and Larry Nance head the Cavs, who couldn't get past da Bulls last year. They could be hungrier than their Midwest rivals this time around.

3. Charlotte Hornets — Only if Alonzo Mourning joins them. With Larry Johnson, J.R. Reid and Kendall Gill, the Hornets have the weapons to sting anybody.

4. Detroit Pistons — On the way down. True, Joe Dumars, Dennis Rodman, Isaiah Thomas and Bill Laimbeer still play here. But some don't want to, and the rest deserve better. Truly a mediocre team this year.

5. Atlanta Hawks — With Dominique Wilkins back, the Hawks should be better. Mookie Blaylock is a good point guard, and Stacey Augmon a good, young player. Should be interesting to watch.

6. Indiana Pacers — That's more than I can say for this team. With Chuck Person and Michael Williams gone, the Pacers will rely too much on Reggie Miller. Not pretty.

7. Milwaukee Bucks — Quick, name their starting five. Didn't think so. Too many new faces and a new coach still add up to the same old story few wins.

MIDWEST DIVISION

1. Utah Jazz — On the shoulders of Karl Malone and John Stockton. The rest of the squad is good, but not good enough to win it all. So what else is new?

2. San Antonio Spurs — No, it's not UNLV, but new coach Jerry Tarkanian can bet he's got a winner in the Spurs. David Robinson, Sean Elliot, and Dale Ellis on your team will do that. Terry Cummings and Willie Anderson are hurt, and trouble child Rod Strickland has moved his crying to Portland.

3. Houston Rockets — Hakeem, Hakeem, Hakeem. After the big center, the Rockets are only an average team. Otis Thorpe will try to do his best to pitch in. Otis Thorpe? Ouch, that hurt.

4. Minnesota Timberwolves — Chuck Person and Christian Laettner are an interesting frontcourt, and Michael Williams will do his thing in the backcourt. A contender? I don't think so.

5. Denver Nuggets — Dikembe Mutombo and LaPhonso Ellis are big, and uh ... let's see ... um, okay ... well at least they're not the Mavericks.

6. Dallas Mavericks — Yikes. All people convicted of murder shold be forced to watch all Maverick games as their sentence. But then again, they'd probably choose electrocution.

PACIFIC DIVISION

1. Portland Trail Blazers — Stil tops in the West, even without Danny Ainge. They still have a great first five, and Rod Strickland will help, but they must do it soon, or they'll only see the finals on TV.

2. Phoenix Suns — Kevin Johnson feeding Charles Barkley? Many points will be scored in that fashion this year. The Suns could take first, but the lack of depth will hurt.

3. Seattle Supersonics — A team loaded with talent. A lot of it is getting old though. Shawn Kemp and Gary Payton will be around for awhile, but Ricky Pierce, Eddie Johnson, will soon be cashing their Social Security.

4. Golden State Warriors — No big men? No problem. Chris Mullin, Billy Owens, and Tim Hardaway can light up the scoreboard. How about Manute Bol? Just kidding.

5. L.A. Clippers — Over the Lakers? Looks like it. Mark Jackson is on the left coast now, and will try to get Danny Manning and Ken Norman involved. A possible playoff berth.

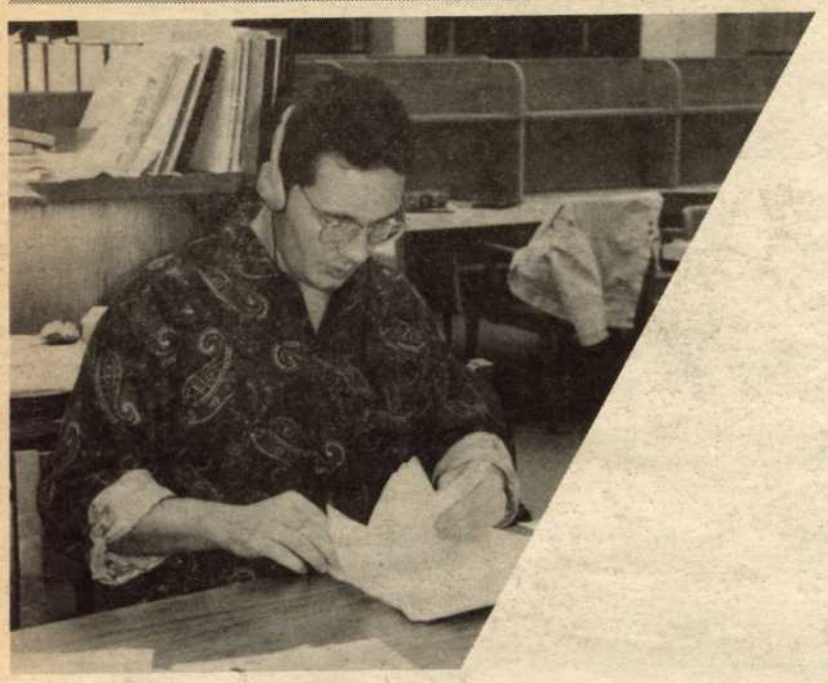
6. L.A. Lakers — No Magic here. James Worthy, Byron Scott and Sam Perkins are on their last legs. This team is in some serious trouble. They need help now. No, not later, NOW.

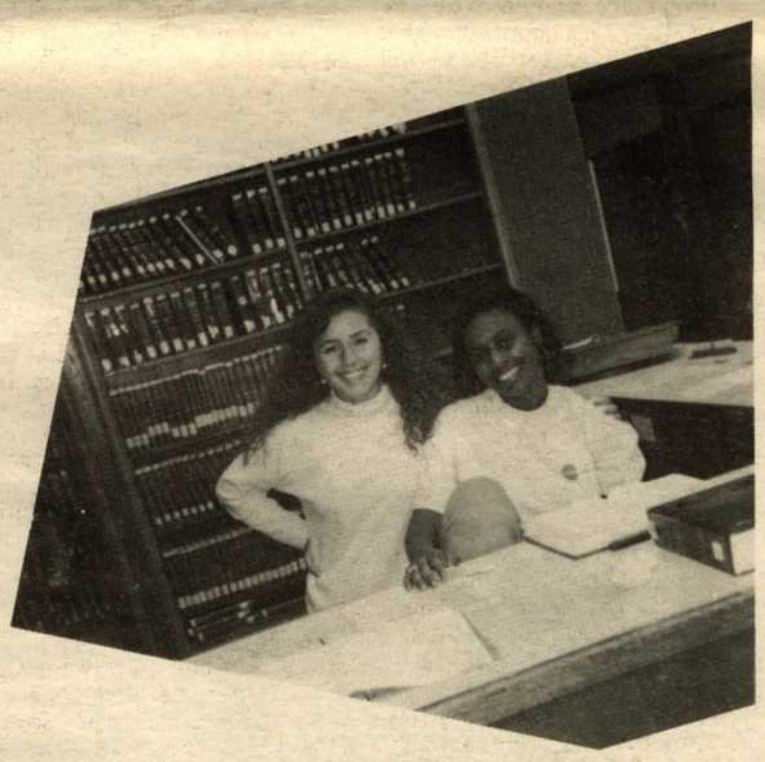
7. Sacramento Kings — Quite possibly the worst team in all of sports. Did someone say the New England Patriots? With Mitch Richmond and Lionel Simmons, the Kings will win at least, oh, I'd say, about 5 games. Oh, OK, maybe 6.

RANDOM RAMBLINGS

In school sports, the Flab Five (yawn) won the fall basketball tourney. They beat Baby Got Back twice in order to win the trophy. Congrats to Tim Bryant, Jim King, Tom Smallman, Joe Campolieto, and the rest of the squad ... Kudos to the Rugby Team for its outstanding performances this fall. They were awesome ... Is softball over yet? ... Now that Bill Clinton has defeated George Bush, I hope Tom "Conservative Guy" Dougherty stops making predictions, and leaves that type of thing to the experts, like myself. Oh, and by the way Tom, does this mean the Dallas Cowboys ARE going to win the Super Bowl? Hmmmm ... Don't expect 50 Reasons why the Conservative Guy is better than the Liberal Gal anytime soon ... Seinfeld is now my favorite TV show, replacing Mystery Science Theater 3000 ... For my money, there's nothing like a cold glass of orange juice in the morning ... Whatever happened to Tony Danza? Don't you miss that mug of his every week on your screen? ... Is it just me, or has this semester gone by WAY too fast? ...

# AROUND THE LAW SCHOOL



# SURVEY RESULTS

## THE VILLANOVA DOCKET ELECTION SURVEY RESULTS

[conducted on the Friday before Election Day]

| | |
|---|---|
| Total Number of Surveys Sent Out: | 699 |
| Total Number of Responses: | 151 |
| Percentage Responding: | 22% |
| | |
| Number of First Years: | 56 |
| Number of Second Years: | 45 |
| Number of Third Years: | 52 |

Percentage of Party (entire response pool)

| | |
|---|---|
| DEMOCRATS: | 42% |
| REPUBLICANS: | 38% |
| INDEPENDENTS: | 16% |
| GREEN PARTY: | 1% |
| UNDECLARED: | 3% |

**Have you decided which Presidential candidate you will support?**

| | 1Ls | 2Ls | 3Ls |
|---|---|---|---|
| YES: | 95% | 98% | 88% |
| NO: | 5% | 2% | 12% |

**What aspect of a candidate most influences your opinion?**

| | 1Ls | 2Ls | 3Ls |
|---|---|---|---|
| BACKGROUND: | 9% | 9% | 13% |
| POLITICAL CAREER: | 0% | 11% | 15% |
| FOREIGN POLICY: | 7% | 4% | 6% |
| ECONOMIC PROPOSALS: | 21% | 27% | 23% |
| ISSUES: | 43% | 40% | 35% |
| OTHER: | 20% | 11% | 8% |

**As a law student, what two issues are more important to you in this upcoming election?**

| | 1Ls | 2Ls | 3Ls |
|---|---|---|---|
| ABORTION: | 25% | 20% | 35% |
| ECONOMY: | 68% | 60% | 60% |
| CHILD CARE: | 0% | 0% | 0% |
| JOBS: | 18% | 13% | 19% |
| FOREIGN POLICY: | 16% | 24% | 17% |
| DOMESTIC POLICY: | 38% | 44% | 35% |
| EDUCATION: | 21% | 13% | 13% |
| ENVIRONMENT: | 7% | 4% | 12% |
| HEALTH CARE: | 13% | 20% | 10% |

**Does the media harm the campaign by focusing on rumors, personal lives and other non-political issues?**

| | 1Ls | 2Ls | 3Ls |
|---|---|---|---|
| YES: | 77% | 69% | 73% |
| NO: | 23% | 31% | 27% |

# EDITORIAL

**Do you consider rumors, personal lives and other non-political issues when choosing who to support?**

| | 1Ls | 2Ls | 3Ls |
|---|---|---|---|
| YES: | 45% | 51% | 50% |
| NO: | 55% | 49% | 50% |

**What else influences your decision?**

| | 1Ls | 2Ls | 3Ls |
|---|---|---|---|
| PARENTS: | 9% | 7% | 0% |
| FRIENDS: | 5% | 7% | 8% |
| MEDIA: | 14% | 16% | 19% |
| DEBATES: | 36% | 40% | 44% |
| OTHER: | 32% | 29% | 29% |

**Are George Bush, Bill Clinton and Ross Perot the three best candidates in this election year?**

| | 1Ls | 2Ls | 3Ls |
|---|---|---|---|
| YES: | 21% | 27% | 27% |
| NO: | 79% | 73% | 73% |

**Who do you believe is more responsible for the economic condition of this country?**

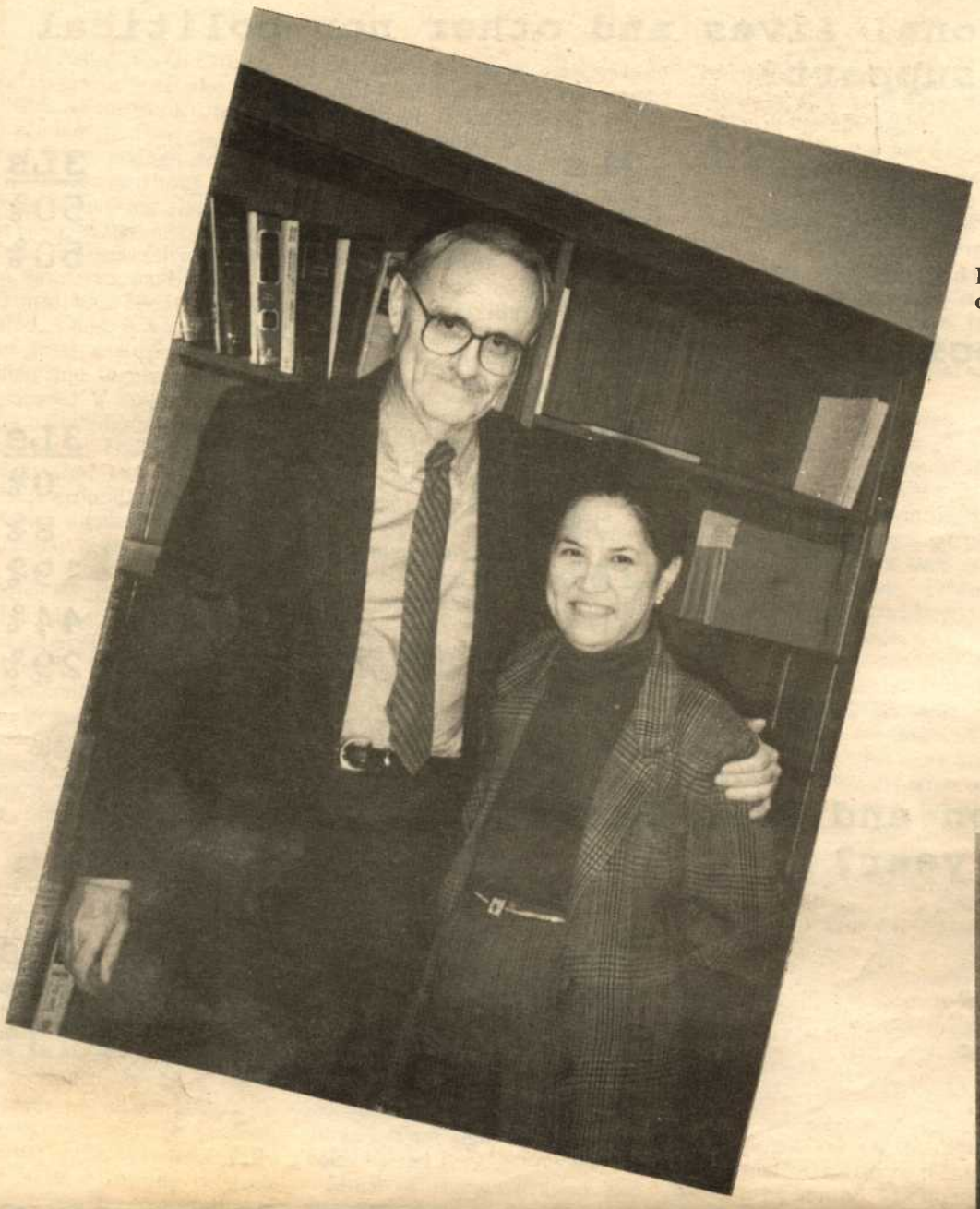
| | 1Ls | 2Ls | 3Ls |
|---|---|---|---|
| PRESIDENT BUSH: | 38% | 31% | 29% |
| CONGRESS: | 21% | 36% | 50% |
| OTHER: | 41% | 33% | 21% |

**Who do you believe is best suited to restore this country's economic condition?**

| | 1Ls | 2Ls | 3Ls |
|---|---|---|---|
| GEORGE BUSH: | 5% | 13% | 23% |
| BILL CLINTON: | 36% | 29% | 21% |
| ROSS PEROT: | 27% | 18% | 27% |
| CONGRESS: | 7% | 13% | 10% |
| NONE OF THE ABOVE: | 25% | 27% | 19% |

**The Villanova Docket wishes to express thanks to all who participated in the election survey. We do admit, however, to some disappointment that, out of 699 surveys sent out, only 22% of the student body responded. We can only hope that your participation in the actual election process did not mirror our results.**

# ANNOUNCEMENT



Professor Gerald Abraham and Norma Cure were engaged on October 24, 1992.

George Constantine Economides was born on October 25, 1992 at 7:22 a.m. to Gus Economides ('94) and his wife Evie.

Chris Tkacik is the proud companion of Kona, a Black Labrador.